



LODI CITY COUNCIL
Carnegie Forum
305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: February 1, 2006

Time: Closed Session 5:30 p.m.
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

- a) Prospective lease of 215 West Elm Street, Lodi; the negotiating parties are the City of Lodi and County of San Joaquin relating to Court L-1 and L-3; price and terms are under negotiation; Government Code §54956.8
- b) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- c) Actual litigation: Government Code §54956.9(a); one case; Peter Rose et al. v. the City of Lodi, et al.; United States District Court, Eastern District of California, Case No. CIV.S-05-02229

C-3 Adjourn to Closed Session

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

C-4 Return to Open Session / Disclosure of Action

A. Call to Order / Roll call

B. Invocation – Pastor Bill Sherrill, Lodi Police Chaplains

C. Pledge of Allegiance

D. Presentations

D-1 Awards – None

D-2 Proclamations – None

D-3 Presentations – None

- a) Presentation to Ken Sasaki for his 2005 Parks and Recreation Commission Chairmanship (PR)
- b) Presentation of Certificate of Appreciation to Tea Silvestre, Community Center Director, for her service to the City of Lodi community
- c) Presentation of Certificates of Recognition to participants in the Lodi Breakthrough Project
- d) Update on Centennial activities (CLK)

E. Consent Calendar (Reading; comments by the public; Council action)

E-1 Receive Register of Claims in the amount of \$3,878,440.04 (FIN)

- E-2 Approve minutes (CLK)
 - a) December 21, 2005 (Regular Meeting)
 - b) January 17, 2006 (Shirtsleeve Session)
- E-3 Receive quarterly report of purchases between \$5,000 and \$20,000 (FIN)
- E-4 Accept the Quarterly Investment Account report as required by law SB 564 (FIN)
- E-5 Accept improvements under contract for Pine Street Overlay Project – Ham Lane to Church Street (PW)
- E-6 Receive for informational purposes Contract Change Order – Kettleman Lane Gap Closure Project, Lower Sacramento Road to Ham Lane and Stockton Street to Cherokee Lane (PW)
- Res. E-7 Adopt resolution approving Technical Services Task Order Agreement with RMC, Water Consultants, for preparation of a State grant application for a Recycled Water Master Plan and appropriating funds (\$10,000) (PW)
- E-8 Authorize the City Manager to enter into a contract with Moore Iacofano Goltsman, Inc. in the amount of \$80,450 for contract services related to the preparation of the Eastside Mobility and Accessibility Plan (CD)
- Res. E-9 Adopt resolution authorizing destruction of certain records retained by the Lodi Police Department (PD)
- E-10 Set public hearing for February 15, 2006, to consider the Planning Commission's recommendation regarding the request to award 65 medium density growth management allocation units; a zone change from Residential Multiple-Family to Planned Development and the associated development plan; and adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for 65 single-family dwelling units on the north side of Harney Lane between Panzani Way and Melby Drive (File numbers: ND-05-01, GM-05-03, Z-05-04; Jeffrey Kirst on behalf of Tokay Development, applicant) (CD)
- E-11 Set public hearing for February 15, 2006, to consider resolution approving new rates for solid waste collection (PW)

F. Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

G. Comments by the City Council Members on non-agenda items

H. Comments by the City Manager on non-agenda items

I. Public Hearings

- Res. I-1 Public hearing to consider resolution adopting the San Joaquin County Regional Transportation Impact Fee (RTIF) and authorizing the City Manager to execute Fee Program Operating Agreement (PW)

J. Communications

- J-1 Claims filed against the City of Lodi
 - a) Curtis and Rhonda Gokey, date of loss 12/31/05

J-2 Appointments

- a) Post for vacancy on the Lodi Arts Commission (CLK)
- b) Appointment to the Greater Lodi Area Youth Commission (CLK)
- c) Appointments to the Grape Bowl Ad Hoc Committee (PR)

J-3 Miscellaneous – None

K. Regular Calendar

- K-1 Review of the City's Annual Financial Report (Fiscal Year 2004-05) by Macias, Gini & Company (FIN)

- Ord. K-2 Introduce ordinance amending Lodi Municipal Code Title 12 – Streets, Sidewalks, and Public
(Introduce) Places, by adding Chapter 12.03, "Sidewalks" to place liability on the adjoining property owner as permitted under state law (CA)

NOTE: This item is carried over from the meetings of 1/4/06 and 1/18/06

- Res. K-3 Adopt resolution establishing and adjusting rental fees for Parks and Recreation facilities (PR)

NOTE: This item is carried over from the meeting of 1/18/06

- Res. K-4 Adopt resolution approving amendment to San Joaquin Council of Governments Joint Powers Agreement to add two additional voting members to the Board, one each from the San Joaquin County Board of Supervisors and the city of Stockton (PW)

NOTE: This item is carried over from the meeting of 1/18/06

- K-5 Reconsideration of the January 4, 2006, Council action taken regarding the future direction of the Community Separator/Greenbelt Task Force

- K-6 Approve fee contract with Angelo, Kilday & Kilduff for representation of City of Lodi in Peter Rose et al. v. the City of Lodi, et al.; United States District Court, Eastern District of California, Case No. CIV.S-05-02229 (CA)

- Res. K-7 Adopt resolution adopting and establishing rules for the conduct of meetings, proceedings and business, thereby rescinding Resolution 2004-282 (CA)

L. Ordinances

- Ord. L-1 Ordinance No. 1769 entitled, "An Ordinance of the City Council of the City of Lodi Amending
(Adopt) Lodi Municipal Code, Title 12, Chapter 12.12. – Parks – by Adding Article VI, "Waterfowl and Migratory Birds" (CLK)

M. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Susan J. Blackston
City Clerk



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Presentation to Mr. Ken Sasaki for his 2005 Parks and Recreation Commission Chairmanship

MEETING DATE: February 1, 2006

PREPARED BY: Parks and Recreation Director

RECOMMENDED ACTION: That Mayor Hitchcock present Parks and Recreation Commissioner Ken Sasaki with a certificate of appreciation for his service as the 2005 Parks and Recreation Commission Chairman.

BACKGROUND INFORMATION: Mr. Ken Sasaki was appointed to the Parks and Recreation Commission on 4/28/98. He was elected 2005 Chairman by his fellow Commissioners and served for the year.

FISCAL IMPACT: None

FUNDING: None needed

Tony C. Goehring
Parks and Recreation Director

TG:tl

cc: City Attorney

APPROVED: _____
Blair King, City Manager



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Presentation of Certificate of Appreciation to Tea Silvestre, Community Center Director, for Her Service to the City of Lodi Community

MEETING DATE: February 1, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Mayor Hitchcock present a Certificate of Appreciation to Tea Silvestre, Community Center Director, for her service to the City of Lodi community.

BACKGROUND INFORMATION: Tea Silvestre will be leaving the City of Lodi after years of service to this community as the Arts Coordinator and, most recently, the Community Center Director. Mayor Hitchcock will present a Resolution of Appreciation to Ms. Silvestre for her dedicated service to the City of Lodi community. Additionally, Pat Stockar, representing the Lodi Arts Commission, will present Ms. Silvestre with a plaque in appreciation for her work with the Commission.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Susan J. Blackston
City Clerk

SJB/JLT

APPROVED: _____
Blair King, City Manager



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Presentation of Certificates of Recognition to Participants in the Lodi Breakthrough Project

MEETING DATE: February 1, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Mayor Hitchcock present Certificates of Recognition to participants in the Lodi Breakthrough Project.

BACKGROUND INFORMATION: The Mayor has been requested to present Certificates of Recognition to participants in the Lodi Breakthrough Project. The Breakthrough Project's vision is, "A community that is free of bigotry, racism, prejudice, and intolerance by celebrating our diversity through communication, education, and responding to acts of intolerance." Recently, it sponsored an essay contest at the high schools, with the theme of "Building Harmony in My School." Mr. Art Raab will be at the meeting to speak on this worthwhile project and to introduce Emily Highsmith, Macy Boschee, Joey Melo, Rebecca Gilbert, Ajay Paul, and Linh Doan, winners of the essay contest.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Susan J. Blackston
City Clerk

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Update on Centennial Activities

MEETING DATE: February 1, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: None required.

BACKGROUND INFORMATION: City Clerk Blackston will give an update on the Centennial activities being planned for 2006.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Susan J. Blackston
City Clerk

SJB/JMP

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Register of Claims Dated January 18, 2006 in the Amount of \$3,878,440.04

MEETING DATE: February 01, 2006

PREPARED BY: Management Analyst

RECOMMENDED ACTION: That the City Council receives the attached Register of Claims. The disclosure of the PCE/TCE expenditures is shown as a separate item on the Register of Claims.

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of \$3,878,440.04 dated 1/18/2006 which includes PCE/TCE payments of \$101,286.32 and Payroll in the amount of \$1,140,427.29.

FISCAL IMPACT: n/a

FUNDING AVAILABLE: As per attached report.

Ruby R Paiste, Interim Finance Director

RRP/kb

Attachments

APPROVED: _____
Blair King, City Manager

Accounts Payable	Page	-	1
Council Report	Date	-	01/18/06
As of	Fund	Name	Amount
Thursday			
-----	-----	-----	-----
01/05/06	00100	General Fund	895,532.27
	00160	Electric Utility Fund	1,679,060.81
	00161	Utility Outlay Reserve Fund	1,921.22
	00164	Public Benefits Fund	2,961.50
	00170	Waste Water Utility Fund	4,720.00
	00171	Waste Wtr Util-Capital Outlay	161.64
	00172	Waste Water Capital Reserve	5,003.44
	00180	Water Utility Fund	1,081.70
	00181	Water Utility-Capital Outlay	208.02
	00182	IMF Water Facilities	6,781.50
	00210	Library Fund	5,763.08
	00270	Employee Benefits	17,372.96
	00300	General Liabilities	3,328.98
	00326	IMF Storm Facilities	39,024.06
	00327	IMF(Local) Streets Facilities	28,066.90
	00329	TDA - Streets	3,010.30
	00331	Federal - Streets	1,040.00
	00340	Comm Dev Special Rev Fund	2,147.72
	01217	IMF Parks & Rec Facilities	50,441.43
	01241	LTF-Pedestrian/Bike	240.00
	01250	Dial-a-Ride/Transportation	906.89
	01410	Expendable Trust	13,264.75

Sum			2,762,039.17
	00183	Water PCE-TCE	101,202.32

Sum			101,202.32

Total for Week			
Sum			2,863,241.49

Accounts Payable	Page	-	1
Council Report	Date	-	01/18/06
As of	Fund	Name	Amount
Thursday			

01/12/06	00100	General Fund	421,060.53
	00101	Business Attraction Fund	2.64
	00123	Info Systems Replacement Fund	1,749.76
	00160	Electric Utility Fund	96,186.55
	00161	Utility Outlay Reserve Fund	13,545.94
	00164	Public Benefits Fund	7,800.56
	00170	Waste Water Utility Fund	12,058.03
	00171	Waste Wtr Util-Capital Outlay	12,318.10-
	00172	Waste Water Capital Reserve	33,499.48
	00180	Water Utility Fund	8,317.97
	00181	Water Utility-Capital Outlay	123,694.23
	00184	Water PCE-TCE-Settlements	273.62
	00210	Library Fund	3,336.46
	00231	Auto Theft Prosecution Fund	243.78
	00234	Local Law Enforce Block Grant	1,222.98
	00235	LPD-Public Safety Prog AB 1913	181.42
	00236	LPD-OTS Grants	4,464.69
	00250	LFD-Federal Grants	14.73
	00270	Employee Benefits	17,206.03
	00325	Measure K Funds	269,209.31
	00340	Comm Dev Special Rev Fund	1,857.62
	00459	H U D	131.82
	00501	Lcr Assessment 95-1	1,449.33
	01211	Capital Outlay/General Fund	444.73
	01212	Parks & Rec Capital	690.40-
	01241	LTF-Pedestrian/Bike	30.23
	01250	Dial-a-Ride/Transportation	2,819.55
	01410	Expendable Trust	7,321.06

Sum			1,015,114.55
	00183	Water PCE-TCE	84.00

Sum			84.00

Total for Week			
Sum			1,015,198.55

Payroll	Pay Per Date	Co	Name	Gross Pay
Regular	01/01/06	00100	General Fund	790,417.89
		00160	Electric Utility Fund	157,541.46
		00164	Public Benefits Fund	5,023.95
		00170	Waste Water Utility Fund	74,240.58
		00180	Water Utility Fund	9,328.79
		00210	Library Fund	30,425.70
		00235	LPD-Public Safety Prog AB 1913	143.88
		00340	Comm Dev Special Rev Fund	37,751.44
		01250	Dial-a-Ride/Transportation	2,852.17

Pay Period Total:				
Sum				1,107,725.86
Retiree	01/31/06	00100	General Fund	32,701.43

Pay Period Total:				
Sum				32,701.43

Council Communication Detail

	Date	Wire Transfers	Payroll	Vendor Payments	Total
California State EDD	12/23/05		41,555.83		
Internal Revenue Service	12/23/05		167,556.56		
Stanislaus Foundation	12/29/05	14,938.42			
Healthcomp	12/29/05	2,434.54			
Bank of New York	12/29/05	559,023.13			
Bank of New York	12/29/05	177,358.18			
Bank of New York	1/03/06	615,187.85			
Citigroup	1/03/06	326,943.53			
CalPERS	1/03/06	277,497.02			
Claims	1/05/06			522,764.22 *	
Internal Revenue Service	1/05/06		157,939.96		
California State EDD	1/06/06		38,608.92		
Claims	1/12/06			805,178.16 *	
Payroll	1/01/06		1,107,725.86		
Retiree's Sick Leave Reimbursement	1/31/06		32,701.43		
Payroll Vouchers	1/06/06		171,453.72		
		1,973,382.67	1,717,542.28	1,327,942.38	5,018,867.33

* Detail attached

04576
Batch Number - 94755
Bank Account - 19913
Farmers & Merchants

City of Lodi
Payment Register

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Date - 1/05/06

Payment Number	Payment Date	Address Number	Name	Payment Stub Message	Document Ty	Document Number	Key Co	Amount	Invoice Number
101659	01/05/06	21240	A-1 Saw & Mower		PV	263424	001 00100	17.65	157043
					PV	263425	001 00100	93.75	157118
				Payment Amount				111.40	
101660	01/05/06	72670	Abbetter Smog Test Only Cen		PV	263426	001 00100	39.75	2467
					PV	263427	001 00100	39.75	2470
				Payment Amount				79.50	
101661	01/05/06	65761	Ace Hardware	206740	PV	263428	001 00100	8.04	32608
101662	01/05/06	182211	Afl Telecommunications LLC		PV	263407	001 00100	326.65	1000022339
					PV	263407	002 00100	431.00	1000022339
					PV	263407	003 00100	5.73	1000022339
				Payment Amount				1,363.38	
101663	01/05/06	67125	Alamo Ford Auto Detail	Unit #05-087	PV	263429	001 00100	175.00	4153
101664	01/05/06	36741	Alhambra Drinking Water Cor	4531645-20	PV	263430	001 00170	166.97	437-983-133
101665	01/05/06	21231	All-Phase Electric Supply		PV	263431	001 00161	98.47	490833
101666	01/05/06	28821	Amerigas -- Sacramento	260011795	PV	263432	001 00100	616.18	260-378432A
101667	01/05/06	109381	Aquatic Biosystems Inc		PV	263433	001 00170	96.34	60542
					PD	263434	001 00170	4.34	60542
				Payment Amount				92.00	
101668	01/05/06	186503	Aschwanden, Gary	Radiant Barrier	PV	263435	001 00164	200.00	REBATE
101669	01/05/06	23958	Baker & Taylor BOOKS		PV	263436	001 00210	261.99	4005250313
					PV	263437	001 00210	240.63	4005250314
					PV	263438	001 00210	15.61	4005250315
					PV	263439	001 00210	67.19	4005250316
					PV	263440	001 00210	200.25	4005250317
					PV	263441	001 00210	231.58	4005250318
					PV	263442	001 00210	16.69	4005250319
					PV	263443	001 00210	358.92	4005250320
					PV	263444	001 00210	126.88	4005250321
					PV	263444	001 00210	333.05	4005250322
					PV	263445	001 00210	528.69	4005250323
					PV	263446	001 00210	260.56	4005250324
					PV	263447	001 00210	246.73	4005250325
					PV	263448	001 00210	26.38	4005250326
					PV	263449	001 00210	71.50	4005253474
					PV	263450	001 00210	14.19	4005263563
					PV	263451	001 00210	36.10	4005269462
				Payment Amount				3,036.94	

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04576
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Farmers & Merchants

City of Lodi
Payment Register

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Payment Number	Date	Address Number	Name	Payment Stub Message	Document Ty	Document Number	Key Co	Amount	Invoice Number
101670	01/05/06	13	Barry, William P.	Dana Point 1/23-1/26/06	PV	263453	001 01410	237.50	PER DIEM
101671	01/05/06	48784	Baylor Services Inc	305 Hutchins	PV	263454	001 00340	575.00	9990
101672	01/05/06	97586	Bcs LLC (Basic Chemical Sol		PV	263402	001 00100	2,104.82	S15123648
101673	01/05/06	22103	Bernan Associates	9501313	PV	263455	001 00210	164.94	10367773
					PD	263456	001 00210	11.24	10367773
				Payment Amount				153.70	
101674	01/05/06	46931	Big Valley Ford Inc		PV	263457	001 00100	101.89	311556
					PV	263458	001 00100	41.20	311556-1
				Payment Amount				143.09	
101675	01/05/06	24002	Bowker		PV	263459	001 00210	267.07	3022323
101676	01/05/06	28468	Brannon Tire Corp		PV	263460	001 00100	707.10	11127
					PV	263461	001 00100	247.72	19983
					PV	263462	001 00100	100.00	20666
					PV	263463	001 00100	253.89	20666
					PV	263464	001 00100	552.75	20803
				Payment Amount				1,861.46	
101677	01/05/06	24475	Brodart Co		PV	263465	001 00210	111.29	639504
					PV	263466	001 00210	529.39	641392
				Payment Amount				640.68	
101678	01/05/06	28687	Bwi Inc--(was Book Wholesal		PV	263467	001 00210	68.88	2325982
					PV	263468	001 00210	50.03	2335123
				Payment Amount				118.91	
101679	01/05/06	25742	California Bus Sales		PV	263469	001 00100	116.81	181627
101680	01/05/06	61794	California--Justice--P O Bo Nov 2005	143610	PV	263470	001 00100	224.00	550020
101681	01/05/06	46391	Calpelra--Various	2006	PV	263471	001 00100	265.00	MEMBERSHIP
101682	01/05/06	156531	Caltest Analytical Laborato		PV	263472	001 00170	1,790.00	120744
101683	01/05/06	61	Carillo, Stephen L	Dana Point 1/23-1/26/06	PV	263475	001 01410	237.50	PER DIEM
				Dana Point 1/23-1/26/06	PV	263476	001 01410	66.00	HOTEL PARKING
				Payment Amount				303.50	
101684	01/05/06	155248	Carquest Auto Parts--pymt t		PV	263473	001 00100	31.81	8632
					PV	263474	001 00100	18.69	8782
				Payment Amount				50.50	

04576
Batch Number - 94755
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Farmers & Merchants

City of Lodi
Payment Register

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Date - 1/05/06

Payment Number	Payment Date	Address Number	Name	Payment Stub Message	Document Ty	Document Number	Key Co	Amount	Invoice Number
101685	01/05/06	21514	Center State Pipe & Supply		PV	263408	001 00100	1,343.95	51332646.001
101686	01/05/06	153912	Central Sanitary Supply		PV	263409	001 00100	120.68	564798-2
					PV	263410	001 00100	36.66	567087-1
					PV	263411	001 00100	1,322.31	567740
				Payment Amount				1,479.65	
101687	01/05/06	26526	Central Valley Hardware Co		PV	263412	001 00100	92.96	546905
					PV	263412	002 00100	83.66	546905
					PV	263412	003 00100	5.00	546905
				Discount	PV	263412	004 00100	3.65	546905
				Payment Amount				178.97	
101688	01/05/06	22146	Central Valley Waste Servic		PV	263413	001 00100	305.00	543-38433
101689	01/05/06	21477	Central Valley Waste Servic		PV	263477	001 00100	184,678.08	1/3/06
					PD	263478	001 00100	8,864.55	1/3/06
				Lodi CARE	PD	263479	001 00100	53.02	1/3/06
				Payment Amount				175,760.51	
101690	01/05/06	101063	Cleland, Ken W.	Air Duct Replacement	PV	263480	001 00164	1,000.00	REBATE
				Pre-Inspection	PV	263481	001 00164	100.00	REBATE
				Payment Amount				1,100.00	
101691	01/05/06	22541	Clutch & Brake Xchange Inc		PV	263482	001 00100	305.90	438679
					PV	263483	001 00100	9.10	440228
					PV	263484	001 00100	63.56	440228
					PV	263485	001 00100	56.38	440228
					PD	263486	001 00100	129.04	440527
					PV	263487	001 00100	98.67	441039
					PD	263488	001 00100	55.80	441040
					PV	263489	001 00100	5.09	441153
					PV	263490	001 00100	105.06	441327
				Payment Amount				458.92	
101692	01/05/06	26411	Collins Electrical Co Inc--		PV	263404	001 00329	3,010.30	RELEASE RETENTION
					PV	263405	001 00331	1,040.00	RELEASE RETENTION
					PV	263406	001 01241	240.00	RELEASE RETENTION
				Payment Amount				4,290.30	
101693	01/05/06	136207	Commerce Printing Services		PV	263491	001 00100	2,358.00	4043
101694	01/05/06	63271	Commercial Appliance		PV	263492	001 00170	120.00	126438
101695	01/05/06	164777	Communications Supply Corp		PV	263415	001 00100	436.09	2471098
					PV	263415	002 00100	23.28	2471098
				Payment Amount				459.37	

04576
Batch Number - 94755
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Farmers & Merchants

City of Lodi
Payment Register

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Date - 1/05/06

Payment Number	Date	Address Number	Name	Payment Stub Message	Document Ty	Document Number	Key Co	Amount	Invoice Number
101696	01/05/06	77083	Corporate Express Imaging--		PV	263414	001 00100	95.90	2231D
101697	01/05/06	90616	Cummins West Inc		PV	263493	001 00100	1,018.64	3-61843
					PV	263494	001 00100	542.83	3-61843
					PV	263495	001 00100	694.36	3-62259
					PV	263496	001 00100	7.00	3-62259
Payment Amount								2,262.83	
101698	01/05/06	151706	Dameron Hospital Associatio	Tina M Pedersen	PV	263498	001 00100	33.00	4544-26
				Harry S Howsden	PV	263499	001 00100	185.50	4544-26
				Michael S Mazur	PV	263500	001 00100	185.50	4544-26
				Debbie A Gallagher	PV	263501	001 00100	210.50	4544-26
				Karen Dailey	PV	263502	001 00100	200.50	4544-26
				Karen Dailey	PV	263503	001 00100	10.00	4544-26
Payment Amount								825.00	
101699	01/05/06	30509	DaSilva & Associates Inc	Dec 2005	PV	263497	001 00100	750.00	3673-1
101700	01/05/06	146085	Db Claims Services Group In	Nov 2005	PV	263504	001 00300	493.90	33-1105
				Nov 2005	PV	263505	001 00300	2,434.56	35-1105
				Nov 2005	PV	263506	001 00300	400.52	36-1105
Payment Amount								3,328.98	
101701	01/05/06	23940	Demco Inc		PV	263507	001 00210	264.87	2279750
101702	01/05/06	21611	Duncan Press Inc		PV	263416	001 00100	478.41	5237
					PV	263508	001 00100	139.00	5162
Payment Amount								617.41	
101703	01/05/06	156401	Electrical Protection Inc	June 1-Dec 31, 2005	PV	263509	001 00100	1,085.00	1250
101704	01/05/06	133962	Elesco		PV	263512	001 00100	257.50	19813
101705	01/05/06	145576	Elk Grove Ford		PV	263510	001 00100	97.93	176801
101706	01/05/06	26358	Ellis Car Wash Co Inc	1400	PV	263511	001 00100	83.50	11/30/05
101707	01/05/06	64039	Fastenal Company		PV	263513	001 00180	46.38	CALOD12869
					PV	263514	001 00181	46.37	CALOD12869
Payment Amount								92.75	
101708	01/05/06	25241	Fedex		PV	263515	001 00100	15.84	3-241-49586
101709	01/05/06	68187	Ferguson Enterprises--for p	409664	PV	263417	001 00100	1,131.40	304117
				409664	PV	263417	002 00100	1,235.30	304117
				409664	PV	263417	003 00100	106.67	304117
				409664	PV	263418	001 00100	107.75	304404
Payment Amount								2,581.12	

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101710	01/05/06	112467	FirstCHOICE	Sales Tax 7.75%--\$1.55	PV	263517	001 00100	21.55	326533
101711	01/05/06	186415	Fisher Wireless Services In		PV	263516	001 00100	252.35	10435
101712	01/05/06	166131	Folger Levin & Kahn LLP	Matter #8001	PV	263520	001 00183	190.36	91583
				Matter #8002	PV	263521	001 00183	18,631.79	91556
				Matter #8002	PD	263522	001 00183	805.00-	91556
				Matter #8003	PV	263523	001 00183	26,245.25	91559
				Matter #8003	PD	263524	001 00183	470.00-	91559
				Matter #8005	PV	263525	001 00183	1,008.20	91560
				Matter #8006	PV	263526	001 00183	557.83	91561
				Matter #8008	PV	263527	001 00183	54,268.88	91562
				Payment Amount				99,627.31	
101713	01/05/06	23819	Frames & Fine Things		PV	263518	001 00100	388.36	553
101714	01/05/06	21661	Ge Supply		PV	263419	001 00100	1,961.05	775-255379
101715	01/05/06	134236	Golden Ox Restaurant	8 meals	PV	263519	001 00100	86.42	12/21/05
101716	01/05/06	21709	Grainger Inc (don't chg Dep		PV	263420	001 00100	696.12	934-042059-6
					PV	263421	001 00100	210.77	216-054665-7
				Payment Amount				906.89	
101717	01/05/06	71503	Heartland Community Church	Handel's Messiah 12/10/	PV	263528	001 01410	2,280.00	GROSS TICKET SALES
				Handel's Messiah 12/10/	PD	263529	001 00100	700.00-	RENTAL FEE
				Handel's Messiah 12/10/	PD	263530	001 00100	70.00-	TICKET PRINTING COST
				Handel's Messiah 12/10/	PD	263531	001 00100	255.00-	SECURITY
				Handel's Messiah 12/10/	PD	263532	001 00100	1,001.00-	TECHNICAL FEES
				Handel's Messiah 12/10/	PV	263533	001 01410	700.00	CLEANING DEPOSIT RETURNED
				Payment Amount				954.00	
101718	01/05/06	90632	Hedy Holmes Staffing Servic		PV	263534	001 00100	280.00	504239
101719	01/05/06	21741	Henderson Bros Co Inc	Permit #B15731 401 W Oa	PV	263535	001 00340	34.00	REFUND
				Permit #B15731 401 W Oa	PV	263536	001 00340	90.00	REFUND
				Permit #B15731 401 W Oa	PV	263537	001 00340	37.00	REFUND
				Permit #B15731 401 W Oa	PD	263538	001 00340	35.00-	LESS ADM FEE
				Payment Amount				126.00	
101720	01/05/06	40635	Highsmith Inc		PV	263570	001 00210	75.48	9130831-001
101721	01/05/06	186440	Hiva Nui Productions		PV	263571	001 01410	2,210.00	GROSS TICKET SALES
					PD	263572	001 00100	700.00-	RENTAL FEE
					PD	263573	001 00100	87.50-	TICKET PRINTING COST
					PD	263574	001 00100	255.00-	SECURITY
					PD	263575	001 00100	824.25-	TECHNICAL FEES
					PV	263576	001 01410	700.00	CLEANING DEPOSIT RETURNED
				Payment Amount				1,043.25	

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Number	Date	Number							
101722	01/05/06	25970	Holden Optical Inc		PV	263577	001 00100	273.50	GRUSZIE
101723	01/05/06	186597	Hydro-Fit		PV	263578	001 00100	124.67	5-8094
					PD	263579	001 00100	7.67	5-8094
Payment Amount								117.00	
101724	01/05/06	25110	Iaei--Various	#354950 Expires 1/31/07	PV	263581	001 00340	180.00	MEMBERSHIP
101725	01/05/06	32504	Iaei--VARIOUS	For 8--Sacramento 1/9/0	PV	263580	001 00340	256.00	DINNER MEETING
101726	01/05/06	30525	Icbo--Various	2006 Class "A" Governme	PV	263582	001 00340	70.00	MEMBERSHIP
101727	01/05/06	27852	Imaging Products Internatio		PV	263422	001 00100	400.83	97460
					PV	263422	002 00100	62.23	97460
					PV	263422	003 00100	6.00	97460
Payment Amount								469.06	
101728	01/05/06	96014	Ireland Landscape Inc	545 E Elm St	PV	263583	001 00340	450.00	1196
101729	01/05/06	186546	Jacobs, Joseph T Jr	Radiant Barrier	PV	263584	001 00164	200.00	REBATE
101730	01/05/06	111510	JTM Payroll Services	Stagehand Labor 11/28-1	PV	263585	001 00100	1,076.88	5356
				Stagehand Labor 12/5-12	PV	263586	001 00100	1,223.75	5368
Payment Amount								2,300.63	
101731	01/05/06	186600	Kaur, Amandeep	HSS/Reception 12/18/05	PV	263610	001 01410	600.00	REFUND DEPOSIT
				Additional Clean Up	PD	263611	001 01410	110.25	LESS
Payment Amount								489.75	
101732	01/05/06	25831	Kenco Engineering Inc		PV	263587	001 00100	1,306.29	80818
101733	01/05/06	26454	Kludt, E F & Sons Inc	10506	PV	263588	001 00100	334.54	305530
101734	01/05/06	37655	Knox Company		PV	263403	001 00100	66.81	570197
					PV	263403	002 00100	7.54	570197
					PV	263403	003 00100	7.54	570197
Payment Amount								81.89	
101735	01/05/06	186554	Kristmont West Inc	Oversize water mains	PV	263589	001 00182	6,781.50	REIMBURSE
				Excess width str improv	PV	263590	001 00327	1,441.00	REIMBURSE
Payment Amount								8,222.50	
101736	01/05/06	155539	Kronick Moskovitz Tiedemann	Matter #11233.001	PV	263591	001 00100	405.00	222267
				Matter #11233.019	PV	263592	001 00183	1,036.00	222267
				Matter #11233.019	PD	263593	001 00183	54.00	222267
				Matter #11233.026	PV	263594	001 00100	1,008.11	222267
				Matter #11233.027	PV	263595	001 00100	443.35	222267
				Matter #11233.001	PV	263596	001 00100	124.94	222698

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				Matter #11233.019	PV	263597	001 00183	533.01	222698
				Matter #11233.026	PV	263598	001 00100	7,667.60	222698
				Matter #11233.027	PV	263599	001 00100	411.11	222698
				Payment Amount				11,641.12	
101737	01/05/06	46105 L & H Airco (Sac Cooling Sy		Sales Tax 7.75%--\$2.54	PV	263600	001 00100	35.34	1359
101738	01/05/06	74173 Langley, John		Ceiling Fan	PV	263601	001 00164	25.00	REBATE
101739	01/05/06	21522 Lasting Impressions			PV	263602	001 00100	15.09	255402
101740	01/05/06	122497 LexisNexis Matthew Bender		4431100	PV	263603	001 00210	23.61	19335350
				4431100	PV	263604	001 00210	47.90	19511965
				Payment Amount				141.51	
101741	01/05/06	186562 Lind, James		Windows--123.0	PV	263605	001 00164	61.50	REBATE
101742	01/05/06	24037 Linhart Petersen Powers Ass			PV	263606	001 00340	490.72	28718
101743	01/05/06	162608 Pals-People Assisting Lodi		Shelter Trust Acct to P	PV	263607	001 01410	4,000.00	DISBURSEMENT
101744	01/05/06	2376 Vander Jack, John H		Notary books/forms	PV	263608	001 00160	75.43	REIMBURSEMENT
				State exam	PV	263609	001 00160	40.00	REIMBURSEMENT
				Payment Amount				115.43	
				Total Amount of Payments Written				352,012.75	
				Total Number of Payments Written				86	

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101745	01/05/06	59441	Lodi Heavy Haul & Towing In		PV	263296	001 00100	85.00	16221
101746	01/05/06	73154	Lodi High School Band	Winter Concert 12/9/05	PV	263297	001 01410	1,704.00	GROSS SALES
				Winter Concert 12/9/05	PD	263298	001 00100	700.00-	RENTAL FEE
				Winter Concert 12/9/05	PD	263299	001 00100	255.00-	SECURITY
				Winter Concert 12/9/05	PD	263300	001 00100	760.00-	TECH FEES
				Clean Dep-Concert 12/9/	PV	263301	001 01410	700.00	REFUND
				Payment Amount				689.00	
101747	01/05/06	21776	Mark-Ease Products Co		PV	263302	001 00160	18.14	33872
					PV	263303	001 00100	15.98	37282
				Payment Amount				34.12	
101748	01/05/06	22550	McMaster-Carr Supply Co		PV	263304	001 00170	31.12	34650939
					PV	263305	001 00170	174.58	34759360
				Payment Amount				205.70	
101749	01/05/06	50	Miller, Dale A	Course-Reno 11/10-11/05	PD	263306	001 01410	60.00-	TRAVEL
				Course-Reno 11/10-11/05	PV	263307	001 00100	75.00	TRAVEL
				Payment Amount				15.00	
101750	01/05/06	186423	Mollo, Lisa	Washer	PV	263308	001 00164	75.00	REBATE
101751	01/05/06	156419	Munson, Russell G, Kathryn A	05-06 Prop Tax 300 W Pi	PV	263309	001 00100	11,113.34	05/06 PROP TAX
				Insur-Dec 05-06 300 W P	PV	263310	001 00100	3,155.00	PROP INSURANCE
				Payment Amount				14,268.34	
101752	01/05/06	180380	Noble Image Inc		PV	263311	001 00100	1,090.55	10252005
				Qtr Bill-Website Hostin	PV	263312	001 00100	59.85	DH06-Q1
				Payment Amount				1,150.40	
101753	01/05/06	46148	Odyssey Landscape Company I		PV	263272	001 00100	331.76	36024937
					PV	263272	002 00100	2,564.41	36024937
					PV	263272	003 00100	2,015.38	36024937
					PV	263272	004 00100	207.09	36024937
					PV	263272	005 00100	93.96	36024937
					PV	263272	006 00100	182.61	36024937
					PV	263272	007 00100	15.47	36024937
					PV	263272	008 00100	834.79	36024937
					PV	263272	009 00100	216.19	36024937
				Payment Amount				6,461.66	
101754	01/05/06	182449	Parts Distribution Services	Customer #31498	PV	263313	001 00100	103.88	M252940054
				Service Charge	PV	263314	001 00100	1.56	2S253340023
				Payment Amount				105.44	

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Number	Date	Number							
101755	01/05/06	186431	Perkins, Karen	Air Duct Replacement Pre Inspection	PV	263315	001 00164	1,000.00	REBATE
					PV	263316	001 00164	100.00	REBATE
				Payment Amount				1,100.00	
101756	01/05/06	21987	Pg&e Pacific Gas & Electric		PV	263317	001 00100	584.93	2685427314-6
					PV	263318	001 00170	10.19	5810427114-1
					PV	263319	001 00170	8.66	3571245618-1
				Payment Amount				603.78	
101757	01/05/06	25021	Plummer Pontiac Cadillac GM Cust #10146		PV	263320	001 00100	68.60	82368
101758	01/05/06	174924	PowerPlan--Pape Machinery Customer #1121323		PV	263321	001 00100	82.11	587461
101759	01/05/06	86799	Pre-Sort Center Inc		PV	263322	001 00100	1,579.72	46731
					PV	263323	001 00100	303.68	46668
					PV	263324	001 00160	13.87	46742
					PV	263325	001 00100	30.28	46743
				Payment Amount				1,927.55	
101760	01/05/06	43801	Quality Sound Cust #18130		PV	263326	001 00100	194.93	25853
101761	01/05/06	113232	R & S Erection of Stockton		PV	263327	001 00100	385.00	48880
					PV	263328	001 00100	125.00	48902
					PV	263329	001 00100	1,062.40	48948
					PV	263330	001 00100	275.00	48985
					PV	263331	001 00100	200.00	48983
				Payment Amount				2,047.40	
101762	01/05/06	158473	Raynguard Protective Materi Customer #12133		PV	263332	001 00100	624.40	101021735
101763	01/05/06	24969	Reed, George Reed Inc		PV	263273	001 00100	37,000.90	PYT #3
					PV	263273	002 00100	56,046.03	PYT #3
					PV	263273	003 00100	29,584.33	PYT #3
					PV	263273	004 00100	4,336.01	PYT #3
					PV	263273	005 00100	5,604.60	PYT #3
					PV	263273	006 00100	2,958.43	PYT #3
					PV	263273	007 00100	6,359.17	PYT #3
				Payment Amount				116,091.39	
101764	01/05/06	35035	Regents of UC, The--Davis Resp Exam--Robert Paine		PV	263392	001 00100	279.00	01-009725648
101765	01/05/06	62308	Righetti, R L Righetti Ente		PV	263333	001 00100	148.21	30982
					PV	263334	001 00100	3.94	30982
				Payment Amount				152.15	
101766	01/05/06	183231	Rja Management Services Inc EU Director Search Serv		PV	263335	001 00100	5,473.72	3
101767	01/05/06	131991	Rogers, Danielle R SJ Delta 8/15-12/16 200		PV	263401	001 00100	149.28	TUITION

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101768	01/05/06	22120	Safe T Lite	.64 Discount taken	PV	263336	001 00100	31.25	225035
101769	01/05/06	35001	San Joaquin Council of Gove	One Voice-Wash DC 4/2-7	PV	263337	001 00100	100.00	REGISTRATION
101770	01/05/06	22138	Sanborn Chevrolet Inc	Cust #6066	PV	263338	001 00171	161.64	94313
					PV	263339	001 00181	161.65	94313
					PV	263340	001 00100	7.54	93953
				Payment Amount				330.83	
101771	01/05/06	21995	Sbc Calif (Pacific Bell-Pay		PV	263341	001 00210	305.74	258 6306
					PV	263342	001 00100	52.37	333 9622
					PV	263343	001 00100	52.37	333 9730
					PV	263344	001 00100	60.17	333 9795
					PV	263345	001 00100	52.37	333 9893
					PV	263346	001 00100	43.64	333 9921
					PV	263347	001 00100	21.82	333 9921
					PV	263348	001 00100	21.82	333 9921
					PV	263349	001 00100	60.17	333 9962
					PV	263350	001 00180	32.17	841 5385
				Payment Amount				702.64	
101772	01/05/06	178685	Sbc Long Distance	ID 1237774/BAN 83719738	PV	263354	001 00100	.22	835685868
				BAN 835768971	PV	263355	001 00100	1.12	835685868
				BAN 835987487	PV	263356	001 00100	377.08	835685868
				BAN 835986282	PV	263357	001 00100	.73	835685868
				BAN 835742482	PV	263358	001 00100	7.71	835685868
				BAN 835746088	PV	263359	001 00100	.35	835685868
				BAN 835986920	PV	263360	001 00100	.59	835685868
				BAN 835987294	PV	263361	001 00100	.52	835685868
				BAN 835986851	PV	263362	001 00100	.13	835685868
				BAN 835897386	PV	263363	001 00100	.01	835685868
				BAN 835901883	PV	263364	001 00100	.21	835685868
				BAN 835897604	PV	263365	001 00100	.04	835685868
				BAN 835894974	PV	263366	001 00100	1.75	835685868
				BAN 835986613	PV	263367	001 00100	.03	835685868
				BAN 835768926	PV	263368	001 00160	.45	835685868
				BAN 835743972	PV	263369	001 00160	.14	835685868
				BAN 835986862	PV	263370	001 00160	.08	835685868
				BAN 835979590	PV	263371	001 00160	1.05	835685868
				BAN 835986511	PV	263372	001 00210	1.06	835685868
				BAN 835896909	PV	263373	001 00100	1.67	835685868
				Payment Amount				394.94	
101773	01/05/06	119984	Sbc/mci formerly Pacific Be		PV	263351	001 00180	84.18	251 8792
					PV	263352	001 00180	84.18	251 8800
					PV	263353	001 00210	97.00	333 8508
				Payment Amount				265.36	
101774	01/05/06	98933	Scott's PPE Recon		PV	263374	001 00100	128.50	11391
					PV	263375	001 00100	124.00	11420

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					PV	263376	001 00100	157.00	11331
				Payment Amount				409.50	
101775	01/05/06	39108	Slakey Brothers Inc		PV	263275	001 00100	462.73	4889753-00
					PV	263275	002 00100	10.78	4889753-00
				Payment Amount				473.51	
101776	01/05/06	27561	Southwest Power Inc		PV	263276	001 00100	366.35	40003144-00
					PV	263277	001 00100	759.64	40003144-01
					PV	263278	001 00100	94.29	4003111-00
				Payment Amount				1,220.28	
101777	01/05/06	92427	Steven Enterprises Inc		PV	263280	001 00100	172.40	167706
					PV	263280	002 00100	24.00	167706
				Payment Amount				196.40	
101778	01/05/06	22234	Stockton AutoGlass	Acct #834	PV	263377	001 00100	50.00	19231740
101779	01/05/06	146907	Stockton Filter & Supply Co		PV	263378	001 00100	49.52	111866
101780	01/05/06	147838	Sysco of Central California	Customer #005314	PV	263379	001 00100	447.84	512210691
101781	01/05/06	77606	Thomas Auto Body & Paint		PV	263380	001 00100	2,091.73	1775
101782	01/05/06	185720	Tokay Shell		PV	263381	001 00100	40.00	27933
					PV	263382	001 00100	40.00	27881
					PV	263383	001 00100	40.00	27879
				Payment Amount				120.00	
101783	01/05/06	57664	Tokay Tire Service Inc	Acct #513000209/Cus #00	PV	263384	001 00100	385.85	80015
					PV	263385	001 00100	156.90	79989
					PV	263386	001 00100	78.82	80071
				Payment Amount				621.57	
101784	01/05/06	29858	Touch of Mesquite, A	EU Dir Interviews 12/16	PV	263387	001 00100	242.01	5510
101785	01/05/06	145921	Tryon, Deanna	Attic Insulation	PV	263388	001 00164	200.00	REBATE
101786	01/05/06	50243	Turner's Piano Service	Tune Kawai Grand Piano	PV	263389	001 00100	95.00	SERVICES
101787	01/05/06	174369	Uline		PV	263281	001 00100	30.44	13551416
					PV	263281	002 00100	17.50	13551416
					PV	263281	003 00100	11.31	13551416
					PV	263281	004 00100	28.99	13551416
					PV	263281	005 00100	3.00	13551416
				Payment Amount				85.24	

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101788	01/05/06	21979	United Rotary Brush Corp	(N Customer ID 400401	PV	263390	001 00100	2,345.11	40163
					PV	263391	001 00100	25.00	40163
								2,370.11	
				Payment Amount					
101789	01/05/06	138173	Valley Pacific Petroleum	(W Acct #50620	PV	263393	001 00170	23.58	534696
					PV	263282	001 00100	890.02	569125-00
101790	01/05/06	26104	Walsh, Edward S	Walsh Co	PV	263282	002 00100	59.26	569125-00
					PV	263283	001 00100	126.34	568883-00
					PV	263284	001 00100	67.35	56986-00
								1,142.97	
				Payment Amount					
101791	01/05/06	58296	West Yost & Associates		PV	263274	001 00100	5,003.44	2009654
101792	01/05/06	45209	West-Lite Supply Co	Inc	PV	263285	001 00100	137.38	73593H
101793	01/05/06	81453	Western Supply Inc	Central	PV	263394	001 00100	211.69	62315
101794	01/05/06	52257	Wilson, The H W	Wilson Comp Renewal	PV	263395	001 00210	392.21	5657486X
					PD	263396	001 00210	1.08	5657486X
								391.13	
				Payment Amount					
101795	01/05/06	83942	Windwalker Security	Patrol	PV	263397	001 00100	309.18	12431
					PV	263398	001 00100	1,139.85	12431
								1,449.03	
				Payment Amount					
101796	01/05/06	29524	World Almanac Education	Acct #0000218214	PV	263399	001 00210	56.89	994200001
					PD	263400	001 00210	4.09	994200001
								52.80	
				Payment Amount					
				Total Amount of Payments Written				170,793.72	
				Total Number of Payments Written				52	

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102016	01/12/06	4	Tecklenberg, Gwenn	Overpymt-Closed Acct 4	PV	263423	001 00000	811.38	REFUND: 21902
Total Amount of Payments Written								811.38	
Total Number of Payments Written								1	

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101915	01/12/06	55298	Accurate Air Engineering In		PV	263678	001 00100	14.97	L-039789
101916	01/12/06	65761	Ace Hardware	206742	PV	263679	001 00100	4.83	32354
					PV	263680	001 00100	4.54	32441
					PV	263681	001 00100	18.88	32714
					PV	263682	001 00100	24.20	32746
					PV	263683	001 00100	39.71	32791
Payment Amount								92.16	
101917	01/12/06	53305	Adecco Employment Services		PV	263684	001 00170	323.80	62108131
101918	01/12/06	36265	Airgas Corp (was Sierra Al	AALR6 AALS5	PV	263685	001 00100	36.89	102584912
					PV	263686	001 01250	80.22	102595287
Payment Amount								117.11	
101919	01/12/06	25152	Alamo Alarm Company Inc	3625	PV	263743	001 00100	215.00	145292
				3625	PV	263744	001 00100	215.00	145292
				3625	PV	263745	001 00180	215.00	145292
				3625	PV	263746	001 00170	215.00	145292
				3625	PV	263747	001 00100	215.00	145292
				3625	PV	263748	001 00160	215.00	145292
				3625	PV	263749	001 00100	215.00	149451
				3625	PV	263750	001 00100	215.00	149451
				3625	PV	263751	001 00180	215.00	149451
				3625	PV	263752	001 00170	215.00	149451
				3625	PV	263753	001 00100	215.00	149451
				3625	PV	263754	001 00160	215.00	149451
				3625	PV	263755	001 00100	3.22	148958
				3625	PV	263756	001 00100	3.22	148958
				3625	PV	263757	001 00180	3.22	148958
				3625	PV	263758	001 00170	3.22	148958
				3625	PV	263759	001 00100	3.22	148958
				3625	PV	263760	001 00160	3.25	148958
				3625	PV	263761	001 00100	3.22	151559
				3625	PV	263762	001 00100	3.22	151559
				3625	PV	263763	001 00180	3.22	151559
				3625	PV	263764	001 00170	3.22	151559
				3625	PV	263765	001 00100	3.22	151559
				3625	PV	263766	001 00160	3.25	151559
				3625	PV	263767	001 00100	12.50	150648
				2630	PV	263768	001 00100	12.50	150648
				2630	PV	263769	001 00180	12.50	150648
				2630	PV	263770	001 00170	12.50	150648
				2630	PV	263771	001 00100	12.50	150648
				2630	PV	263772	001 00160	12.50	150648
				1883	PV	263773	001 00100	313.50	152035
Payment Amount								3,007.20	
101920	01/12/06	21291	Allied Machine & Welding In		PV	263687	001 00100	33.90	48750

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101921	01/12/06	30138	Anderson, Neil O	Anderson &	PV	263931	001 00325	1,103.25	20370
101922	01/12/06	51810	Angus-Hamer Inc		PV	263688	001 00123	1,384.65	5119
101923	01/12/06	171184	Answer America	acct #ST6025	PV	263689	001 00170	13.45	51202542
				acct #ST6025	PV	263690	001 00180	13.45	51202542
				acct #ST6025	PV	263691	001 00180	20.14	51202542
				acct #ST6025	PV	263692	001 00170	13.45	51202542
				acct #ST6025	PV	263693	001 00170	20.14	51202542
				acct #ST6025	PV	263694	001 00160	80.62	51202542
				Payment Amount				161.25	
101924	01/12/06	109381	Aquatic Biosystems Inc		PV	263695	001 00170	96.34	60599
					PD	263696	001 00170	4.34	60599
				Payment Amount				92.00	
101925	01/12/06	186722	Arrow Construction		PV	263942	001 00100	123,181.00	PYMT 1
					PV	263942	002 00100	12,318.10	PYMT 1
				Payment Amount				110,862.90	
101926	01/12/06	51625	Automotive Environmental Se	acct #720ANCCIT285	PV	263697	001 00100	424.97	72000253408
101927	01/12/06	97586	Bcs LLC (Basic Chemical Sol		PV	263618	001 00100	1,410.39	S15125779
101928	01/12/06	55491	Ben's Appliance Lighthouse	appliance 1	PV	263699	001 00164	25.00	REBATE
101929	01/12/06	46931	Big Valley Ford Inc		PV	263700	001 00100	115.82	312432
					PV	263701	001 00100	18.67	312432-1
					PV	263702	001 00100	354.24	312516
					PV	263703	001 00100	411.42	312541
					PV	263704	001 00100	136.33	312580
					PV	263705	001 00100	19.88	312653
					PV	263706	001 00100	59.62	312654
				Payment Amount				1,115.98	
101930	01/12/06	92224	Blue Ribbon Personnel Servi		PV	263707	001 00100	63.28	38777
101931	01/12/06	121531	Bnp PARIBAS	10/1/05-1/1/06	PV	263708	001 00160	38,053.33	BOND PURCHASE AGREEMENT
101932	01/12/06	186714	Boone, C J (Curtis)	1219 Stonebridge sidewa	PV	263709	001 00100	6,030.00	REIMBURSE
101933	01/12/06	96049	Borismetrics	meetings & COSA analysi	PV	263710	001 00160	6,500.00	1045
101934	01/12/06	28468	Brannon Tire Corp		PV	263811	001 00100	379.52	21089
					PV	263812	001 00100	130.00	21089
					PV	263813	001 00100	848.52	21542
				Payment Amount				1,358.04	
101935	01/12/06	186626	Buzunis, Shauna	refrigerator & dishwash	PV	263711	001 00164	75.00	REBATE

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101936	01/12/06	182705	California Army National Gu	LHS Cheer 10/29 12/17	PV	263737	001 00100	250.00	504 RENTAL FEE
101937	01/12/06	182617	California Wine Education F		PV	263738	001 00100	128.32	1182
101938	01/12/06	23528	California--Equalization--2	2005	PV	263718	001 00100	6,329.79	28-044629
				2005	PV	263719	001 00101	2.64	28-044629
				2005	PV	263720	001 00123	230.42	28-044629
				2005	PV	263721	001 00160	7,656.41	28-044629
				2005	PV	263722	001 00161	13,419.81	28-044629
				2005	PV	263723	001 00164	421.95	28-044629
				2005	PV	263724	001 00170	578.70	28-044629
				2005	PV	263725	001 00180	105.32	28-044629
				2005	PV	263726	001 00184	273.62	28-044629
				2005	PV	263727	001 00210	860.81	28-044629
				2005	PV	263728	001 00231	243.78	28-044629
				2005	PV	263729	001 00234	772.23	28-044629
				2005	PV	263730	001 00235	181.42	28-044629
				2005	PV	263731	001 00250	14.73	28-044629
				2005	PD	263732	001 01212	2,320.40	28-044629
				2005	PV	263733	001 01241	30.23	28-044629
				2005	PV	263734	001 01250	16.19	28-044629
				2005	PV	263735	001 01410	78.06	28-044629
				Payment Amount				28,825.71	
101939	01/12/06	61794	California--Justice--P O Bo	10/05 cust 120147	PV	263712	001 01410	2,543.00	544051
				10/05 cust 120147	PV	263713	001 00100	51.00	544051
				Payment Amount				2,594.00	
101940	01/12/06	28281	California--Pesticide Regul	Pesticides/Pest Managem	PV	263715	001 00100	45.00	CONTINUING EDUCATION
101941	01/12/06	23851	California-Transportation	11/05	PV	263736	001 00100	1,678.91	172818
101942	01/12/06	30728	Cape--Various	King Anaheim 2/27-3/3	PV	263740	001 00100	175.00	1-268 REGISTRATION
101943	01/12/06	27377	Cch Incorporated		PV	263778	001 00100	190.10	8377225
					PV	263779	001 00210	76.34	8381530
				Payment Amount				266.44	
101944	01/12/06	21514	Center State Pipe & Supply		PV	263780	001 00181	485.07	S1333599.001
101945	01/12/06	26526	Central Valley Hardware Co		PV	263781	001 00100	922.00	598843
101946	01/12/06	22146	Central Valley Waste Servic		PV	263885	001 00170	215.00	543-8512
					PV	263886	001 00100	164.90	100-1449
				Payment Amount				379.90	
101947	01/12/06	21477	Central Valley Waste Servic		PV	263782	001 00100	123,357.30	1/6/06
					PD	263783	001 00100	5,921.15	1/6/06
				Lodi CARE	PD	263784	001 00100	105.63	1/6/06
				Payment Amount				117,330.52	

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101948	01/12/06	164953	Cintas Corporation		PV	263785	001 00160	121.22	922118324
101949	01/12/06	22541	Clutch & Brake Xchange Inc		PV	263786	001 00100	4.34	441556
					PV	263787	001 00100	54.06	441785
					PV	263788	001 00100	208.30	442049
				Payment Amount				266.70	
101950	01/12/06	21557	Consolidated Elec Dist Inc		PV	263789	001 00160	9.72	458719
					PV	263790	001 00100	144.82	459495
					PV	263791	001 00170	11.92	459706
				Payment Amount				166.46	
101951	01/12/06	22023	Cook's Printing (formerly P		PV	263792	001 00459	131.82	70362
					PV	263793	001 00340	18.38	70363
					PV	263794	001 00340	175.09	70451
					PV	263795	001 00100	414.36	70616
				Payment Amount				739.65	
101952	01/12/06	44118	Cpca--Various	Cpt Main	PV	263739	001 00100	75.00	72-0036 MEMBERSHIP
101953	01/12/06	157913	Crystal Cream & Butter Co		PV	263796	001 00100	87.00	1286553
					PV	263797	001 00100	87.00	1286602
				Payment Amount				174.00	
101954	01/12/06	90616	Cummins West Inc		PV	263798	001 00100	469.15	3-61276
					PV	263799	001 00100	77.93	3-62757
					PV	263800	001 00100	77.93	3-62776
					PV	263801	001 00100	183.37	7-25715
				Payment Amount				808.38	
101955	01/12/06	186634	Day, Jennifer Kibbe	livescan printing overp	PV	263802	001 00100	32.00	72-0034 REFUND
101956	01/12/06	111683	De Lage Landen Financial Se	regular insurance	PV	263814	001 00100	520.44	6018943330
					PV	263815	001 00100	13.72	6018943330
				Payment Amount				534.16	
101957	01/12/06	70703	Decatur Electronics Inc		PV	263803	001 00236	4,464.69	141632
101958	01/12/06	169068	Dekra-Lite		PV	263804	001 00100	326.43	6810
101959	01/12/06	25064	Dell Computer (Dell Marketi		PV	263619	001 00100	450.75	J95108274
101960	01/12/06	70519	DellaMonica, Cindy	ceiling fans 2	PV	263816	001 00164	50.00	REBATE
101961	01/12/06	21469	Dentoni's Welding Works Inc		PV	263817	001 00100	467.47	10876
					PV	263818	001 00100	681.00	10876
				Payment Amount				1,148.47	

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101962	01/12/06	36821	Dry Creek Rock & Ready Mix		PV	263819	001 00161	126.13	27762
101963	01/12/06	21611	Duncan Press Inc		PV	263820	001 00100	64.65	5212
					PV	263821	001 00164	37.71	5213
				Payment Amount				102.36	
101964	01/12/06	186589	Dupree, Robert O.D.	Kermgard	PV	263822	001 00100	255.00	72-0035 SAFETY GLASSES
101965	01/12/06	25232	Ehlers Health Supply		PV	263823	001 00100	76.00	136105
101966	01/12/06	156401	Electrical Protection Inc		PV	263824	001 00100	150.00	1248
					PV	263825	001 00100	260.00	1249
				Payment Amount				410.00	
101967	01/12/06	186642	Elite Entertainment Inc	The Stomp 1/13/06	PV	263826	001 00100	400.00	DJ SERVICE
101968	01/12/06	145576	Elk Grove Ford		PD	263827	001 00100	70.83	CM176441
					PV	263828	001 00100	228.20	176904
					PV	263829	001 00100	155.75	177005
				Payment Amount				313.12	
101969	01/12/06	109751	Facts On File Inc		PV	263830	001 00210	169.83	455287
101970	01/12/06	64039	Fastenal Company		PV	263774	001 00100	21.53	CALOD12576
					PV	263775	001 00170	54.88	CALOD12819
					PV	263776	001 00181	28.16	CALOD12955
					PV	263777	001 00180	28.17	CALOD12955
				Payment Amount				132.74	
101971	01/12/06	110525	Faul, Ron/Susan	atic insulation	PV	263831	001 00164	200.00	REBATE
101972	01/12/06	25241	Fedex		PV	263832	001 00160	18.54	3-240-98867
101973	01/12/06	68187	Ferguson Enterprises--for p	409664	PV	263622	001 00100	32.33	304640
				409664	PV	263622	002 00100	646.50	304640
				409664	PV	263622	003 00100	2.35	304640
				409664	PV	263623	001 00100	27.48	304925
				409664	PV	263623	002 00100	11.64	304925
				409664	PV	263623	003 00100	159.21	304925
				409664	PV	263623	004 00100	86.47	304925
				409664	PV	263623	005 00100	9.70	304925
				409664	PD	263624	001 00180	842.61	CM024680
				Payment Amount				133.07	
101974	01/12/06	22007	Fiori's Butcher Shoppe	training	PV	263833	001 00100	189.10	49262
101975	01/12/06	35262	Flint Trading Inc		PV	263834	001 00100	80.85	69881
101976	01/12/06	65293	Gall's Inc		PV	263835	001 00100	59.03	5801301001026

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101977	01/12/06	21709	Grainger Inc (don't chg Dep		PV	263836	001 00170	65.31	814-733282-2
101978	01/12/06	115238	Greenline Landscaping & Mai		PV	263947	001 00100	3,564.48	10221
					PV	263947	002 00100	3.60	10221
					PV	263947	003 00100	31.54	10221
					PV	263947	004 00100	184.70	10221
					PV	263947	005 00100	480.68	10221
				Payment Amount				4,265.00	
101979	01/12/06	87281	Gregg Property Service		PV	263837	001 00210	10.30	16796
101980	01/12/06	21531	Hach Company		PV	263838	001 00170	374.82	4538386
					PV	263932	001 00100	1,481.56	4535524
					PV	263932	002 00100	118.00	4535524
					PV	263933	001 00100	705.76	4535817
				Payment Amount				2,680.14	
101981	01/12/06	186511	Hane, Dean	windows 246.4 sq ft	PV	263839	001 00164	123.20	REBATE
101982	01/12/06	27	Hansen, Lawrence	NCPA 06 Strategic Plann	PV	263887	001 01410	60.00	PER DIEM
101983	01/12/06	28901	Harlequin Retail Inc		PV	263840	001 00210	14.57	99453
					PD	263841	001 00210	1.05	99453
				Payment Amount				13.52	
101984	01/12/06	32740	Harris Construction Co		PV	263842	001 00340	450.00	712298
101985	01/12/06	186651	Harris, Michael	attic insulation	PV	263843	001 00164	200.00	REBATE
101986	01/12/06	28804	Hassan, Joe--Clothing & Wes Lambora #162202		PV	263844	001 00160	119.44	13953
101987	01/12/06	90632	Hedy Holmes Staffing Servic		PV	263845	001 00100	125.55	504218
					PV	263846	001 00100	336.00	504257
				Payment Amount				461.55	
101988	01/12/06	141170	Hillyard Inc		PV	263847	001 00100	316.05	1605475
					PV	263848	001 00100	433.73	1612088
				Payment Amount				749.78	
101989	01/12/06	186520	Hilscher, Berry	windows 145 sq ft	PV	263849	001 00164	72.50	REBATE
101990	01/12/06	186538	Hugi Construction	Turner Rd & Cluff Ave	PV	263850	001 00180	4,956.00	REFUND DEPOSIT
101991	01/12/06	25312	Industrial Commercial Refri		PV	263851	001 00100	156.00	12426
101992	01/12/06	28214	Inreach Internet Commun--Ro 39121		PV	263852	001 00100	282.85	778104
101993	01/12/06	83256	Is Inc (Innovative Solution	Mordhorst-Sacto 12/8-12	PV	263520	001 00100	400.00	1201
			McCall--Sacto 12/15-12/	PV	263521	001 00100	400.00	1295	

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				Mann Sacto 9/19/21 Java	PV	263853	001 00100	500.00	420
				Payment Amount				1,300.00	
101994	01/12/06	23798	Ising's Culligan Water--Sto	1798958	PV	263854	001 00170	24.60	1/1-1/31/06
				9966144	PV	263855	001 00100	32.60	1/1-1/31/06
				Payment Amount				57.20	
101995	01/12/06	26665	Itron Inc		PV	263856	001 00160	1,034.30	284700
101996	01/12/06	157286	Iworq Systems	1/1/06-7/1/06	PV	263857	001 00100	1,200.00	1513
101997	01/12/06	89	Jacobson, Christopher	Modesto 1/22-27 trainin	PV	263858	001 00100	200.00	1-267 SUBSISTENCE
101998	01/12/06	48961	Kar Products		PV	263859	001 00100	434.06	5945040001
101999	01/12/06	186669	Khan, Younis	refrigerator	PV	263860	001 00164	50.00	REBATE
102000	01/12/06	26454	Kludt, E F & Sons Inc	65273	PV	263888	001 00100	8,148.16	112722
				65273	PV	263890	001 00100	7,480.66	112783
				Payment Amount				15,628.82	
102001	01/12/06	71036	Knorr Systems Inc		PV	263861	001 00100	268.60	S159262
					PV	263934	001 00100	914.52	S159261
				Payment Amount				1,183.12	
102002	01/12/06	26227	Korean Professional Buildin		PV	263862	001 00100	3,280.00	6046
					PV	263863	001 00210	1,600.00	6046
					PV	263864	001 00100	2,650.00	6047
					PV	263865	001 00210	320.00	6048
					PV	263866	001 00100	600.00	6050
				Payment Amount				8,450.00	
102003	01/12/06	181833	LaRue Communications		PV	263867	001 00100	20.00	12723
					PV	263868	001 00100	10.00	12723
					PV	263869	001 00100	230.00	12723
					PV	263870	001 00100	115.00	12723
					PV	263871	001 00100	40.00	12723
					PV	263872	001 00100	20.00	12723
					PV	263873	001 00100	20.00	12723
					PV	263874	001 00100	10.00	12723
					PV	263875	001 00170	120.00	12723
					PV	263876	001 00170	60.00	12723
					PV	263877	001 00170	60.00	12723
					PV	263878	001 00170	30.00	12723
					PV	263879	001 00170	60.00	12723
					PV	263880	001 00170	30.00	12723
					PV	263881	001 00180	150.00	12723
					PV	263882	001 00180	75.00	12723
				Payment Amount				1,050.00	

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102004	01/12/06	22832	Les' Appliance Sales & Serv	appliance 20	PV	263883	001 00164	1,000.00	REBATE
102005	01/12/06	23253	Lincoln Equipment Inc		PV	263884	001 00100	116.93	5138491
Total Amount of Payments Written								383,793.75	
Total Number of Payments Written								91	

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Payment Number	Date	Address Number	Name			Ty	Number			
102006	01/12/06	175847	California Paint Co (Valley			PV	263636	001 00100	11.71	601899
						PV	263637	001 00100	24.90	601921
						PV	263638	001 00100	20.05	601953
						PV	263639	001 00100	48.34	601959
						PV	263640	001 00100	65.32	602005
Payment Amount									170.32	
102007	01/12/06	24264	Foster Lumber			PV	263641	001 00100	75.36	489831
						PV	263642	001 00100	2.13	489877
						PV	263643	001 00180	40.18	490878
						PV	263644	001 00170	40.17	490878
						PD	263645	001 00170	18.04	490880
						PD	263646	001 00180	18.05	490880
Payment Amount									121.75	
102008	01/12/06	21670	Geweke Ford Mercury Inc			PV	263647	001 00100	267.84	57424
						PV	263648	001 00100	10.56	57545
Payment Amount									278.40	
102009	01/12/06	65921	Geweke RV			PV	263666	001 00100	31.85	249313
102010	01/12/06	26024	Lodi Rebuilders			PV	263625	001 00100	48.27	9904
						PV	263626	001 00100	38.00	9904
						PV	263627	001 00100	45.00	9920
						PV	263628	001 00100	139.64	9920
Payment Amount									270.91	
102011	01/12/06	22031	Pine Auto Supply			PV	263649	001 00100	95.15	638913
						PV	263650	001 00100	15.19	639143
						PV	263651	001 00100	12.88	639144
						PV	263652	001 00100	6.79	639253
						PV	263653	001 00100	1.78	639294
						PV	263654	001 00160	22.90	639325
						PV	263655	001 00100	21.55	639383
						PV	263656	001 00100	104.52	639517
						PV	263657	001 00100	16.26	639518
						PV	263658	001 00100	52.24	639633
						PV	263659	001 00100	12.93	639689
						PV	263660	001 00100	14.33	639690
						PV	263661	001 00100	12.61	639691
Payment Amount									389.13	
102012	01/12/06	23501	Security Lock & Key			PV	263629	001 00100	105.41	73427
						PV	263630	001 00100	27.20	73416
						PV	263631	001 00100	20.39	73421
						PV	263632	001 00100	73.16	73425
						PV	263633	001 00100	109.64	73424
						PV	263634	001 00100	9.70	73531

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					PV	263635	001 00100	71.38	73611
				Payment Amount				416.88	
102013	01/12/06	22242	Stockton Blueprint		PV	263663	001 00325	7.80	365863
					PV	263664	001 00100	18.86	370595
					PV	263665	001 00100	3.78	371240
				Payment Amount				30.44	
102014	01/12/06	22496	United Rentals (formerly U		PV	263662	001 00180	525.82	50879071-003
102015	01/12/06	22453	Wright Motors Inc		PV	263667	001 00100	12.82	21260
					PV	263668	001 00100	333.37	21346
					PV	263669	001 00100	64.01	21705
					PV	263670	001 00100	64.82	22814
					PV	263671	001 00100	71.28	22815
					PV	263672	001 00100	50.57	23001
					PV	263673	001 00100	68.27	23631
				Payment Amount				655.14	
				Total Amount of Payments Written				2,900.64	
				Total Number of Payments Written			10		

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101823	01/12/06	174246	Bank of the West--Sacrament	Escrow Acct #745-005934	PV	263891	001 00325	26,809.83	745-005934
101824	01/12/06	26382	Lodi Grape Festival & Harve	LYC Crush Dance 8/25/06	PV	263892	001 00100	100.00	DEPOSIT
101825	01/12/06	59441	Lodi Heavy Haul & Towing In		PV	263893	001 00100	45.00	16240
					PV	263894	001 00100	157.50	16581
					PD	263895	001 00100	130.00	CREDIT MEMO
					PV	263896	001 00100	75.00	16534
					PV	263897	001 00100	75.00	1469
Payment Amount								222.50	
101826	01/12/06	70973	Lodi Memorial Hospital Clin	Acct #62815/MR #256761	PV	263898	001 00160	130.00	NOV SERVICES
101827	01/12/06	63731	Lodi Veterinary-Elaine M Do	Account #7116	PV	263899	001 01410	36.00	11901/BLOCKHUS
			Acct #7116		PV	263900	001 01410	71.00	30301/DOMINGUEZ
			Acct 7116		PV	263901	001 01410	35.00	40503/COONS
			Acct 7116		PV	263902	001 01410	56.00	60401/LESAN
			Acct 7116		PV	263903	001 01410	51.00	62202/VANSTEYN
			Acct 7116		PV	263904	001 01410	35.00	63006/WEISSER
			Acct 7116		PV	263905	001 01410	61.00	7292/PUCELIK
			Acct 7116		PV	263906	001 01410	45.00	90204/WHITNEY
			Acct 7116		PV	263907	001 01410	35.00	RUSSELL
			Acct 7116		PV	263908	001 01410	56.00	90903/STILLWELL
			Acct 7116		PV	263909	001 01410	26.00	92903/MCGOWAN
			Acct 7116		PV	263910	001 01410	26.00	102405/DICKENS
			Acct 7116		PV	263911	001 01410	61.00	102202/GILLEY
			Acct 7116		PV	263912	001 01410	46.00	111701/DEBERRY
Payment Amount								640.00	
101828	01/12/06	21776	Mark-Ease Products Co		PV	263913	001 00100	70.03	37337
101829	01/12/06	154675	Marriott, Courtyard by Marr	Conf #85299404/85299952	PV	263914	001 00100	1,419.00	1-269 RESERVATIONS
101830	01/12/06	166166	Martin's Classic Restoratio		PV	263917	001 00100	310.00	5470
101831	01/12/06	27861	MarTech Inc		PV	263915	001 00170	453.60	19182
					PV	263916	001 00170	488.08	19184
Payment Amount								941.68	
101832	01/12/06	98335	McCrometer Inc		PV	263805	001 00100	943.89	292354
					PV	263805	002 00100	189.64	292354
					PV	263805	003 00100	9.14	292354
Payment Amount								1,142.67	
101833	01/12/06	39651	McGraw-Hill Companies	Lo Acct 218789	PV	263919	001 00210	159.48	19146062001
101834	01/12/06	22550	McMaster-Carr Supply Co		PV	263918	001 00170	190.76	35266996
101835	01/12/06	56021	Metrocall-Dallas TX		PV	263920	001 00160	19.99	302863-6

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					PV	263921	001 00100	209.46	372530-6
					PV	263922	001 00100	240.53	372528-0
				Payment Amount				449.98	
101836	01/12/06	119061	Military Department	Lease #L-2015	PV	263923	001 00100	350.00	JAN RENT
101837	01/12/06	186677	Molle, Felicia	Registration fee-JBL	PV	263924	001 00100	25.00	REFUND
101838	01/12/06	24	Monroe, Virgil	Training-LA 1/22-27/06	PV	263925	001 00100	200.00	1-270 SUBSISTENCE
101839	01/12/06	4481	Moore, Jerry T	Microsoft Software Purc	PV	263926	001 00100	322.18	REIMBURSEMENT
101840	01/12/06	21400	Motion Industries Inc		PV	263927	001 00100	3.67	416540
101841	01/12/06	22197	Municipal Maintenance Equip		PV	263928	001 00100	1,116.90	35393
					PV	263929	001 00100	116.23	35393
				Payment Amount				1,233.13	
101842	01/12/06	29778	Nbs		PV	263930	001 00501	1,449.33	B01010612
101843	01/12/06	83686	Ncbpa - VARIOUS	Membr-Schafer/Bock/Long	PV	263948	001 00180	60.00	RENEWAL
101844	01/12/06	29057	Ncbpa No Calif Backflow Pre	Mtg-Sacramento 1/26/06	PV	263944	001 00180	23.00	REGISTRATION
				Mtg-Sacramento 1/26/06	PV	263945	001 00180	23.00	REGISTRATION
				Mtg-Sacramento 1/26/06	PV	263946	001 00180	23.00	REGISTRATION
				Payment Amount				69.00	
101845	01/12/06	58624	Nextel Communications Inc		PV	263935	001 00160	90.79	609855310
					PV	263936	001 00160	689.30	868104025
					PV	263937	001 00160	125.95	868104025
					PV	263938	001 00164	128.53	868104025
					PV	263939	001 00160	47.89	868104025
				Payment Amount				1,052.46	
101846	01/12/06	186685	Nguyen, Oanh K	Ceiling Fans	PV	263940	001 00164	49.92	REBAATE
101847	01/12/06	1822	Nimmo, B G		PV	263941	001 00270	1,248.94	JAN LTD
101848	01/12/06	21792	Nolo	Customer ID 772959	PV	263943	001 00210	63.25	1213532
101849	01/12/06	171483	Nowak, Tom	Energy Efficient Window	PV	263949	001 00164	51.75	REBATE
101850	01/12/06	152055	Occu-Med		PV	263950	001 00270	125.00	160201
101851	01/12/06	26702	Office Staples		PV	263951	001 00100	36.16	21768
					PV	263952	001 00100	133.05	21893
					PV	263953	001 00100	54.94	18714
				Payment Amount				224.15	

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101852	01/12/06	181500	Omega Industrial Supply Inc	Customer #0004292	PV	263954	001 00100	199.75	36201
					PV	263955	001 00100	208.77	36201
								408.52	
				Payment Amount					
101853	01/12/06	163336	Pachoud, Jerry E	Test Fee-Operator Certi	PV	263956	001 00170	195.00	REIMBURSEMENT
101854	01/12/06	162608	Pals-People Assisting Lodi	Shelter Trust Acct to P	PV	263957	001 01410	4,000.00	JAN DISBURSEMENT
101855	01/12/06	21987	Pg&e Pacific Gas & Electric		PV	263958	001 01250	85.34	2268764846-3
					PV	263959	001 00100	7.84	9295770082-3
					PV	263960	001 00100	21.00	5368795472-6
					PV	263961	001 00170	10.74	3410451834-4
					PV	263962	001 00170	8.11	3599140216-1
					PV	263963	001 00100	565.04	7218496572-0
					PV	263964	001 00170	17.32	1417398498-1
					PV	263965	001 00100	1,605.29	1207324880-4
					PV	263966	001 00100	118.87	7342709864-2
					PV	263967	001 00160	178.87	8186337779-2
				Payment Amount				2,620.42	
101856	01/12/06	25363	Pickup Outfitters		PV	263968	001 00100	167.99	3870
101857	01/12/06	154624	Placer Title Company	27 S California St	PV	263969	001 00340	75.00	1007-6636-101
				502 E Oak St	PV	263970	001 00340	75.00	1007-6637-101
				545 E Elm St	PV	263971	001 00340	75.00	1007-6651-101
				Payment Amount				225.00	
101858	01/12/06	86799	Pre-Sort Center Inc		PV	263972	001 00160	17.88	46751
101859	01/12/06	78	Price, Steven D	Training-LA 1/22-27/06	PV	263973	001 00100	200.00	1-271 SUBSISTENCE
101860	01/12/06	113232	R & S Erection of Stockton		PV	263974	001 00100	130.00	49070
					PV	263975	001 00100	618.50	49195
				Payment Amount				748.50	
101861	01/12/06	186571	Regents of UC-Continuing Ed	Acct #964145	PV	264010	001 00100	93.23	964145
101862	01/12/06	186693	Royal, Carol	Attic Insulation	PV	263976	001 00164	200.00	REBATE
101863	01/12/06	22120	Safe T Lite	Cust #9400	PV	263977	001 00180	28.98	225036
					PV	263978	001 00170	28.97	225036
					PV	263979	001 00100	57.94	225036
				Payment Amount				115.89	
101864	01/12/06	37559	Safeguard Business Systems		PV	263674	001 00100	276.52	21632429
					PV	263674	002 00100	8.28	21632429
				Payment Amount				284.80	

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101865	01/12/06	22584	San Joaquin Co Auditor-Cont		PV	264007	001 00100	877.89	NOV SERVICES
101866	01/12/06	25427	San Joaquin Co Bar Assn	Janice Magdich ID 977	PV	264011	001 00100	135.00	ANNUAL DUES
				Donald S Schwabauer 123	PV	264012	001 00100	95.00	ANNUAL DUES
				Payment Amount				230.00	
101867	01/12/06	49429	San Joaquin Co Div of Weigh		PV	263675	001 00100	150.00	REGISTRATION NOTICE
101868	01/12/06	32900	San Joaquin Co Sheriff-Auto		PV	264008	001 00100	325.60	1999
					PV	264009	001 00100	740.04	1999
				Payment Amount				1,665.64	
101869	01/12/06	26964	Save Mart Supermarkets		PV	264013	001 00100	81.86	1941620
					PV	264014	001 00100	45.30	1941629
				Payment Amount				127.16	
101870	01/12/06	119984	Sbc/mci formerly Pacific Be		PV	264015	001 00100	521.78	333 5500
					PV	264016	001 00100	45.35	342 0854
					PV	264017	001 00100	18.42	368 1839
					PV	264018	001 00160	32.09	368 5735
					PV	264019	001 00170	16.04	368 5735
					PV	264020	001 00180	16.04	368 5735
					PV	264021	001 00100	32.45	368 5895
				Payment Amount				682.17	
101871	01/12/06	1360	Schmer, William R	10/1/05-12/31/05	PV	264025	001 00270	146.21	COPAY REIMBURSEMENT
101872	01/12/06	186731	Schroeder, Colleen R	Replace Ck #95270 B Kor	PV	264022	001 00100	42.25	REPLACEMENT CHECK
101873	01/12/06	136549	Schwab, Les Schwab Tire Cen	Customer #642-00042	PV	264023	001 00100	216.69	142457
101874	01/12/06	168760	Securitas Security Services	Customer #1000729241	PV	264024	001 01250	2,157.12	W0792573
101875	01/12/06	22517	Senator Ford Inc	Customer #40206	PV	264026	001 00100	419.10	438031
					PV	264027	001 00100	487.50	438031
				Payment Amount				906.60	
101876	01/12/06	29170	Sierra Foothill Laboratory		PV	264028	001 00170	2,100.00	35150
101877	01/12/06	105056	Software House Internationa		PV	263676	001 00100	989.15	8A6F5
					PV	263698	001 00100	127.15	88CAA
					PV	263698	002 00100	7.54	88CAA
				Payment Amount				1,123.84	
101878	01/12/06	27561	Southwest Power Inc		PV	263677	001 00100	3,147.65	40001633-00
101879	01/12/06	170114	Specialty Cakes	Council Mtg 1/4 Cent Ki	PV	264029	001 00100	65.00	CAKE

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101880	01/12/06	22226	Standard Insurance Co		PV	264030	001 00270	5,606.50	JAN PREMIUM
					PV	264031	001 00270	922.70	JAN PREMIUM
					PV	264032	001 00270	155.30	JAN PREMIUM
				Payment Amount				6,684.50	
101881	01/12/06	138413	Standard Meter Lab Inc		PV	264033	001 00160	220.00	52309
101882	01/12/06	73015	Stanislaus Foundation	12/05 Dental Admin Fee	PV	264034	001 00270	2,155.20	13479
101883	01/12/06	22269	Stockton Fire Equipment Inc		PV	264035	001 00100	317.00	92154
101884	01/12/06	68021	Streicher's		PV	264036	001 00100	188.02	316652
					PD	264037	001 00100	13.52	316652
					PV	264121	001 00100	16.11	317077
					PD	264122	001 00100	1.16	317077
				Payment Amount				189.45	
101885	01/12/06	185703	Sutherland, Jacqueline L	Washer	PV	264038	001 00164	75.00	REBATE
101886	01/12/06	147838	Sysco of Central California	Customer #005314	PV	264039	001 00100	389.36	512140769
					PV	264040	001 00100	285.81	512280615
				Payment Amount				675.17	
101887	01/12/06	47052	Target Specialty Products	Customer #01/0000079276	PV	264041	001 00100	12.39	979296
					PV	264042	001 00100	12.39	979296
					PV	264043	001 00100	12.39	979296
					PV	264044	001 00100	30.87	978456
					PV	264045	001 00100	30.87	978456
					PV	264046	001 00100	30.86	978456
					PV	264047	001 00100	129.77	978456
					PV	264048	001 00100	129.77	978456
					PV	264049	001 00100	32.64	978693
					PV	264050	001 00100	32.64	978693
					PV	264051	001 00100	32.64	978693
					PV	264052	001 00100	97.92	978693
					PV	264053	001 00100	97.93	978693
				Payment Amount				683.08	
101888	01/12/06	32993	Teichert Construction Inc		PV	263806	001 00100	268,098.26	PYT #13
					PV	263806	002 00100	26,809.83	PYT #13
				Payment Amount				241,288.43	
101889	01/12/06	55052	Thomson Gale (The Gale Grou Acct #177846		PV	264054	001 00210	62.93	14384634
101890	01/12/06	131246	Thomson West (WestLaw-West P Acct #1000405040		PV	264055	001 00100	129.30	809755282
					PV	264056	001 00100	252.67	810278014
					PV	264057	001 00100	1,109.30	810428570
				Payment Amount				1,491.27	

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City of Lodi
Payment Register

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Payment Number	Date	Address Number	Name	Payment Stub Message	Document Ty	Number	Key Co	Amount	Invoice Number
101891	01/12/06	81349	Tifco Industries Inc	7.75%Sales Tax Paid \$10	PV	264058	001 00100	151.33	70239797
101892	01/12/06	173041	TransCor America LLC	Inmate #DCD V 62437	PV	264059	001 00100	520.00	476519
101893	01/12/06	143829	Trees Inc	Customer #437770	PV	264060	001 00160	2,183.76	736640
					PV	264061	001 00160	1,634.16	736643
					PV	264062	001 00160	1,678.08	736642
					PV	264063	001 00160	2,919.68	737774
					PV	264064	001 00160	3,639.60	737773
					PV	264065	001 00160	3,302.48	737775
					PV	264066	001 00160	3,471.34	482306
					PV	264067	001 00160	3,639.60	501469
					PV	264068	001 00160	3,639.60	501465
					PV	264069	001 00160	3,050.40	501467
					PV	264070	001 00160	3,639.60	512453
					PV	264071	001 00160	4,251.00	512455
					PV	264072	001 00160	3,441.80	512457
Payment Amount								40,491.10	
101894	01/12/06	29022	Twining Laboratories Inc		PV	264073	001 00180	5.25	5121624
					PV	264074	001 00180	27.30	5121624
					PV	264075	001 00183	84.00	5121624
					PV	264076	001 00180	201.60	5121529
					PV	264077	001 00180	54.60	5121529
					PV	264078	001 00180	273.00	5121531
					PV	264079	001 00180	40.95	5122207
					PV	264080	001 00170	225.75	5122339
					PV	264081	001 00180	81.90	5122206
					PV	264082	001 00170	396.50	5122326
					PV	264083	001 00180	212.20	5122336
					PV	264084	001 00180	27.30	5122336
					PV	264085	001 00180	1,283.80	5122340
					PV	264086	001 00180	27.30	5122340
					PV	264087	001 00180	211.05	5122208
					PV	264088	001 00180	163.80	5122208
Payment Amount								3,316.30	
101895	01/12/06	23966	Ups-United Parcel Service		PV	264089	001 00100	6.50	7912EX535
					PV	264090	001 00100	22.26	7912EX535
					PV	264091	001 00100	6.56	7912EX535
					PV	264092	001 00100	16.32	7912EX535
					PV	264093	001 00100	11.49	7912EX525
					PV	264094	001 00100	12.51	7912EX525
					PV	264095	001 00100	9.74	7912EX525
					PV	264096	001 00170	12.35	7912EX525
Payment Amount								97.73	
101896	01/12/06	178001	Valley Iron Works Inc		PV	264097	001 00100	1,630.00	6898
101897	01/12/06	123836	Valley Telecom		PV	264097	001 00100	37.50	1190

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Payment Number	Date	Address Number	Name	Payment Stub Message	Document Ty	Document Number	Key Co	Amount	Invoice Number
101898	01/12/06	120926	Van Guilder, Michael	EMT Recertification 12/	PV	264098	001 00100	67.00	REIMBURSEMENT
101899	01/12/06	88090	Verizon Wireless	Invoice #2000329846	PV	264099	001 00160	55.86	969874217
					PV	264100	001 00160	50.56	969874217
					PV	264101	001 00160	70.34	969874217
					PV	264102	001 00160	23.06	969874217
					PD	264103	001 00160	122.11	969874217
					PV	264104	001 00160	23.26	969874217
					PD	264105	001 00160	23.76	969874217
				Invoice #2003794070	PV	264106	001 00100	2,253.92	511720438
				Payment Amount				2,331.13	
101900	01/12/06	26278	Vision Service Plan		PV	264107	001 00270	6,724.74	JAN VSP
					PV	264108	001 00270	121.44	JAN COBRA
				Payment Amount				6,846.18	
101901	01/12/06	23894	Vwr International Inc	Customer Acct #1058447	PV	264109	001 00170	431.69	24881406
101902	01/12/06	58296	West Yost & Associates		PV	263808	001 00100	19,394.67	2009593
					PV	263809	001 00100	10,666.57	2009592
					PV	263810	001 00100	3,438.24	2009591
				Payment Amount				33,499.48	
101903	01/12/06	45209	West-Lite Supply Co Inc		PV	263714	001 00100	132.10	74113H-1
					PV	263714	002 00100	52.85	74113H-1
					PV	263714	003 00100	14.55	74113H-1
				Payment Amount				199.50	
101904	01/12/06	29743	Western Farm Service Inc	Acct #1200265	PV	264110	001 00100	244.62	32331
					PV	264111	001 00100	244.62	32331
				Payment Amount				489.24	
101905	01/12/06	38543	Western Highway Products	Cust #C20363	PV	264112	001 00100	94.42	603230
					PD	264113	001 00100	897.02	2388
					PV	264114	001 00100	897.02	362386
				Payment Amount				94.42	
101906	01/12/06	27887	Western Radiator Service-Te		PV	264115	001 00100	170.85	14491
101907	01/12/06	186706	Whitted, John	Attic Fan	PV	264116	001 00164	40.00	REBATE
101908	01/12/06	108880	Williams Scotsman Inc	Customer #2520448	PV	264117	001 01211	444.73	59108972
101909	01/12/06	83942	Windwalker Security Patrol		PV	264118	001 00100	35.00	12534
101910	01/12/06	169455	Worldlink Foundation		PV	264119	001 00164	5,000.00	2052
101911	01/12/06	62738	Wyndham Palm Springs Hotel	Conf #44651610 1/29-2/3	PV	264120	001 00100	401.58	1-272 HOTEL CHANGE

Payment		Address	Name	Payment Stub Message	Document Ty	Key Co	Amount	Invoice Number
Number	Date	Number						
101912	01/12/06	22461	Xerox Corp-PO Box 7405-Pasa		PV	263716 001 00100	171.00	14640719
					PV	263717 001 00100	204.00	14640723
					PV	263741 001 00100	102.25	14640720
					PV	263741 002 00100	205.86	14640720
					PV	263742 001 00100	4,701.73	193403258
					PV	263742 002 00100	23.87	193403258
					PV	263742 003 00100	47.73	193403258
							5,456.44	
				Payment Amount				
				Total Amount of Payments Written			417,672.39	
				Total Number of Payments Written			90	

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Payment Number	Date	Address Number	Name	Payment Stub Message	Document Ty	Number	Key Co	Amount	Invoice Number
101797	01/06/06	58579	AFSCME/ALCE-American Federa		T7	263293	001 00100	1.66-	007 122905083919
					T7	263562	001 00100	2,160.07	007 010406124592
				Payment Amount				2,158.41	
101798	01/06/06	164460	Campbell, Zina (formerly Da FL 332072 SSN# 46651319		T7	263567	001 00100	421.38	007 010406124597
101799	01/06/06	39909	Eagle Credit Union		T7	263552	001 00100	61,528.31	007 010406124569
101800	01/06/06	28409	Franchise Tax Board--PO Box 566376032 Jackson, Kare		T7	263546	001 00100	291.77	007 010406124560
			553474919 (2) Gonzalez, T7		T7	263546	002 00100	200.00	007 010406124561
			880562451 Lair, Michael T7		T7	263546	003 00100	75.00	007 010406124562
				Payment Amount				566.77	
101801	01/06/06	28302	Hartford Insurance Group		T7	263545	001 00100	10,799.78	007 010406124559
101802	01/06/06	39992	Highmark Life/Casualty Grp(T7	263561	001 00100	769.42	007 010406124591
101803	01/06/06	26770	Icma Retirement Trust 457		T7	263544	001 00100	30,880.94	007 010406124558
101804	01/06/06	183003	IRS--Internal Revenue Servi 572665603 Byrnes, Kathl		T7	263568	001 00100	916.61	007 010406124598
101805	01/06/06	39984	Local Union 1245 IBEW		T7	263560	001 00100	47.65	007 010406124577
					T7	263560	002 00100	68.50	007 010406124578
					T7	263560	003 00100	44.15	007 010406124579
					T7	263560	004 00100	170.50	007 010406124580
					T7	263560	005 00100	39.65	007 010406124581
					T7	263560	006 00100	107.00	007 010406124582
					T7	263560	007 00100	39.65	007 010406124583
					T7	263560	008 00100	200.50	007 010406124584
					T7	263560	009 00100	87.30	007 010406124585
					T7	263560	010 00100	102.50	007 010406124586
					T7	263560	011 00100	44.15	007 010406124587
					T7	263560	012 00100	29.00	007 010406124588
					T7	263560	013 00100	44.15	007 010406124589
					T7	263560	014 00100	161.00	007 010406124590
				Payment Amount				1,185.70	
101806	01/06/06	39917	Lodi City Employees Associa		T7	263553	001 00100	785.50	007 010406124570
101807	01/06/06	39968	Lodi Firemens Association		T7	263558	001 00100	1,050.51	007 010406124575
101808	01/06/06	21813	Lodi Police Association		T7	263542	001 00100	275.80	007 010406124554
101809	01/06/06	39933	Lodi Police Dispatchers Ass		T7	263555	001 00100	300.00	007 010406124572
101810	01/06/06	39976	Lodi Professional Firefight		T7	263559	001 00100	2,023.28	007 010406124576
101811	01/06/06	156654	LCMMA		T7	263566	001 00100	200.00	007 010406124596
101812	01/06/06	147889	Maxwell, Kimberly M	153844 SSN# 550650453	T7	263565	001 00100	461.54	007 010406124595

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Date - 1/04/06

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Payment Number	Payment Date	Address Number	Name	Payment Stub Message	Document Ty	Document Number	Key Co	Amount	Invoice Number
101813	01/06/06	83993	Michael, DeVon	314107. SSN# 551981724	T7	263563	001 00100	230.77	007 010406124593
101814	01/06/06	39941	MAMA of Lodi Police Dept		T7	263556	001 00100	560.43	007 010406124573
101815	01/06/06	147408	National Deferred Compensat		T7	263294	001 00100	5.61	007 122905083920
					T7	263564	001 00100	50,048.55	007 010406124594
				Payment Amount				50,042.94	
101816	01/06/06	39950	Police Officers Association		T7	263557	001 00100	2,386.66	007 010406124574
101817	01/06/06	28935	Reed, Kathryn L	SSN# 571963203	T7	263547	001 00100	231.23	007 010406124563
101818	01/06/06	24432	San Joaquin Co Dept Child S	133192 SSN# 545913327	T7	263543	001 00100	99.23	007 010406124555
				159587 SSN# 552438898	T7	263543	002 00100	92.31	007 010406124556
				FL323650 SSN# 561410451	T7	263543	003 00100	425.53	007 010406124557
				Payment Amount				617.07	
101819	01/06/06	39925	Twin Arbors Athletic Club		T7	263554	001 00100	2,370.50	007 010406124571
101820	01/06/06	39044	United Way of SJ Co-PAYROLL		T7	263551	001 00100	688.17	007 010406124568
				Total Amount of Payments Written				171,453.72	
				Total Number of Payments Written				24	

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Type	Earnings	Hours	Current Amount	YTD Amount	Type	Deduction	Current Amount	YTD Amount
Total Report								
0001	Regular Time	25183.00	679,803.02	679,803.02	**	Gross Wages	1,107,725.86	1,107,725.86
0002	Adm Lv Used	696.50	27,763.99	27,763.99		FED Income T	129,505.67	129,505.67
0003	Comp Lv Used	697.46	19,132.49	19,132.49		FED FICA w/h	1,567.56	1,567.56
0004	Death Lv	8.00	157.07	157.07		State Tax	38,621.29	38,621.29
0005	Hol Lv Used	2525.90	75,617.16	75,617.16		FED Medicare	12,675.67	12,675.67
0007	Jury Duty Lv	8.00	152.62	152.62	2030	Medical Ins	4,534.30	4,534.30
0008	Leave/Suspen	24.00	540.96	540.96	2032	Vision Ins	6.96	6.96
0009	Modified Dty	85.00	1,991.64	1,991.64	2033	Chiro. Ins.	.69	.69
0011	Sick Lv Used	979.13	26,035.43	26,035.43	2070	PERS	450.98	450.98
0012	Vac Lv Used	4158.50	122,403.12	122,403.12	2080	PERS	971.66	971.66
0013	VTO Lv 03/04	6.47-	204.04-	204.04-	2090	Surv Bft	408.27	408.27
0015	Misc Lv Used	26.44	690.08	690.08	2100	Dental Ins	695.25	695.25
0016	VTO Lv 04/05	11.00	307.51	307.51	2101	Dental Ins	12.70	12.70
0020	Comp @ 1.0	28.00			3000	Credit Union	61,528.31	61,528.31
0021	Standby @1.0	44.00	1,649.12	1,649.12	3010	LCEA	786.50	786.50
0023	Comp @ 1.5	163.85			3020	R&S Club	2,370.50	2,370.50
0024	OT @1.5	975.00	36,081.45	36,081.45	3030	United Way	688.17	688.17
0025	Court @1.5	64.75	2,884.50	2,884.50	3040	Dispatchers	300.00	300.00
0026	Double Time	107.25	7,489.94	7,489.94	3050	Police Assoc	276.80	276.80
0027	Comp @ 2.0	45.50			3060	M.A.M.A.	560.43	560.43
0030	OT Prem 1/2	274.75	2,741.24	2,741.24	3070	POAL	2,386.66	2,386.66
0031	OT @ 1.00	27.00	974.72	974.72	3080	Fire Assoc	1,050.51	1,050.51
0032	OT @ 1.5%	55.25	2,357.25	2,357.25	3090	LFF	2,023.28	2,023.28
0033	OT @ 2.0	99.00	6,608.02	6,608.02	3110	Supp Ltd	769.42	769.42
0034	OT@1.5 Motor	7.20	324.81	324.81	3121	AFSCME Dues	2,160.07	2,160.07
0040	Regular Time	2996.00	40,012.90	40,012.90	3140	IBEW BA Dues	839.00	839.00
0041	OT @ 1.5	3.50	70.86	70.86	3150	IBEW A Dues	346.70	346.70
0044	Uniform All		88.44	88.44	3160	LCMA Dues	200.00	200.00
0045	Meal Allow		225.00	225.00	D	Garnishment	3,445.37	3,445.37
0053	Comp Lv Paid	31.74	1,095.51	1,095.51	G	PC Loan	2,835.90	2,835.90
0054	Hol Lv Paid	24.00	467.30	467.30	M	Deferred Comp	63,942.66	63,942.66
0055	Vac Lv Paid	140.58	4,805.68	4,805.68	N	Flex Spend	14,537.80	14,537.80
0072	Lv w/o Pay	165.96-	4,104.15-	4,104.15-				
0080	WC Safety	111.50	3,554.49	3,554.49				
0103	3% Shift Dif	245.25	173.17	173.17				
0105	5% Upgrade	513.25	11,113.74	11,113.74				
0110	10% Upgrade	215.00	6,343.40	6,343.40				
0210	CatLvDon-Sck	26.00-						
0216	CatLvRecvd	50.74						
0220	Sick Adj	1645.83-						
0221	Vacation Adj	4.93-						
0224	Holiday Adj	8.00						
0230	FMLA Leave	10.75						
0900	Retro on ST		91.65	91.65				
4160	SLC Reimb.		1,168.00	1,168.00				
4203	Ins Reimb		1,865.64	1,865.64				
4400	DefCmp Match		2,558.35	2,558.35				
4402	DefCmp Match		6,373.67	6,373.67				
4405	DefCmp Match		4,139.45	4,139.45				
4410	DefCmp Match		1,613.98	1,613.98				
4412	DefCmp Match		824.19	824.19				
4415	DefCmp Match		1,022.98	1,022.98				

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Company -
BU -City of Lodi
Payroll Register
RetireesPage - 18
Date - 12/29/05
Period - 01/31/06Check Date
12/30/05

Payroll ID- 015

Type	Earnings	Hours	Current Amount	YTD Amount	Type	Deduction	Current Amount	YTD Amount
Total Report								
0001	Regular Time			145,126.93	**	Gross Wages	32,701.43	610,462.06
0002	Adm Lv Used			476.51		FED Income T		41,074.84
0003	Comp Lv Used			12,036.00		State Tax		11,941.34
0005	Hol Lv Used			6,227.34		FED Medicare		1,011.41
0011	Sick Lv Used			3,452.08	2030	Medical Ins		932.00
0012	Vac Lv Used			34,788.83	2090	Surv Bft		79.05
0024	OT @1.5			3,839.20	2100	Dental Ins		162.68
0030	OT Prem 1/2			294.72	3000	Credit Union		13,099.25
0044	Uniform All			1,662.27	3010	LCEA		175.00
0046	PIB			11,000.00	3030	United Way		105.00
0052	Adm Leave Pd			370.62	3040	Dispatchers		420.00
0053	Comp Lv Paid			6,743.51	3070	POAL		419.43
0054	Hol Lv Paid			888.50	3080	Fire Assoc		345.00
0055	Vac Lv Paid			13,626.99	3090	LPF		599.70
0056	Misc Lv Pay			298.21	3110	Supp Ltd		188.00
0062	Hlday Payoff			2,534.80	3121	AFSCME Dues		33.20
0072	Lv w/o Pay			6,247.34	3160	LCMYA Dues		10.00
0900	Retro on ST			1.91	M	Deferred Comp		13,436.15
4155	VSP/Adj.SLC		109.86	1,213.47	N	Flex Spend		1,917.81
4156	Dental/SLC		455.46	4,800.62				
4157	Chiro/SLC		9.16	73.28				
4160	SLC Reimb.		32,710.59	366,803.75				
4400	DefCmp Match			1,296.81				
4405	DefCmp Match			501.00				
4412	DefCmp Match			1,200.81				
4415	DefCmp Match			154.14				
4422	DefCmp Match			262.56				
4425	DefCmp Match			227.10				
4450	DfCmp InsRfd			300.00				
4760	Excess Life			868.68				
6900	Total DefCmp			17,378.57				
7190	Sick Leave			141.50				
7191	Vacation Lv			1,761.16				
7192	Comp Leave			53.00				
7193	Admin Leave			16.00				
7194	Holiday Lv			256.36				
7195	Misc Leave			12.00				
8500	SLC Bank Bal			313,973.61				
C	Ed Incentive			6,610.51				
** Totals **				32,701.43	Total Ded's			
Taxbl:								
Total Employees				73	* Net Pay *			
Tot Ck Cntrl #'s				73	32,701.43			
Tot Computer Cks				19				
Tot Auto Deposits				54				

* NOTE: This payroll contains checks from
* a previous year. The YTD amount
* column includes these checks.

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TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Minutes
a) December 21, 2005 (Regular Meeting)
b) January 17, 2006 (Shirtsleeve Session)

MEETING DATE: February 1, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council approve the following minutes as prepared:
a) December 21, 2005 (Regular Meeting)
b) January 17, 2006 (Shirtsleeve Session)

BACKGROUND INFORMATION: Attached are copies of the subject minutes, marked Exhibits A through B.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Susan J. Blackston
City Clerk

SJB/JMP

Attachments

APPROVED: _____
Blair King, City Manager

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, DECEMBER 21, 2005**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of December 21, 2005, was called to order by Mayor Hitchcock at 6:32 p.m.

Present: Council Members – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

C-2 ANNOUNCEMENT OF CLOSED SESSION

a) Actual litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM

C-3 ADJOURN TO CLOSED SESSION

At 6:32 p.m., Mayor Hitchcock adjourned the meeting to a Closed Session to discuss the above matter.

The Closed Session adjourned at 6:50 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:00 p.m., Mayor Hitchcock reconvened the City Council meeting, and City Attorney Schwabauer disclosed that he received direction from Council, which he believed would allow the City to resolve the final party in the southern plume; however, negotiation of the remainder of the agreement still needs to take place.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of December 21, 2005, was called to order by Mayor Hitchcock at 7:00 p.m.

Present: Council Members – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

B. INVOCATION

The invocation was given by Pastor Dale Edwards, Century Assembly.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Hitchcock.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 Proclamations – None

D-3 Presentations – None

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Mayor Pro Tempore Johnson, Beckman second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

E-1 Claims were approved in the amount of \$7,225,789.11.

- E-2 The minutes of November 8, 2005 (Shirtsleeve Session), November 15, 2005 (Shirtsleeve Session), November 15, 2005 (Special Meeting), November 29, 2005 (Shirtsleeve Session), December 6, 2005 (Shirtsleeve Session), and December 6, 2005 (Special Meeting) were approved as written.
- E-3 Adopted Resolution No. 2005-256 approving specifications for total station surveying equipment with global positioning satellite capability and authorizing the City Manager to approve the purchase from Haselbach Surveying Instruments as the sole supplier in an amount not to exceed \$64,000.
- E-4 Adopted Resolution No. 2005-257 authorizing the City Manager to negotiate and purchase five Type 2 Medium Bus (Dial-A-Ride) transit vehicles off of the state contract, authorizing conversion of the five vehicles to compressed natural gas, and appropriating funds in the amount of \$425,000.
- E-5 Adopted Resolution No. 2005-258 accepting the improvements at 2650 West Lodi Avenue.
- E-6 Adopted Resolution No. 2005-259 approving the Disadvantaged Business Enterprise Program and Established Overall Annual Disadvantaged Business Enterprise goal of 6% for Federal Transit Administration-assisted projects for federal fiscal year 2005-06.
- E-7 Adopted Resolution No. 2005-260 authorizing the City Manager to extend the current contract with SBC, of Stockton, under the terms of the State of California CALNET contract for three years for telephone services and hardware ending in November 2008 in the amount of \$231,333 per year.
- E-8 "Adopt resolution ratifying the Purchasing Policies and Procedures" was ***removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.***
- E-9 Received notice of intent to issue annual payment in the amount of \$27,917.96 to the Mokelumne Rural Fire District as negotiated in the annexation agreement approved on September 6, 2000.
- E-10 Received for informational purposes annual Housing Element report for submittal to the Department of Housing and Community Development.

ACTION ON ITEM REMOVED FROM THE CONSENT CALENDAR

- E-8 "Adopt resolution ratifying the Purchasing Policies and Procedures"

Council Member Mounce stated that she felt the threshold amount of \$20,000 for purchases (before Council approval is required) was too high and she could not support this item for that reason.

Mayor Pro Tempore Johnson recalled during previous discussions on this matter that there was to be periodic reporting to Council on purchases.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Johnson, Beckman second, adopted Resolution No. 2005-261 ratifying the Purchasing Policies and Procedures with the addition of the quarterly reporting requirement, as outlined in Lodi Municipal Code Section 2.12.060 (T), "For contracts of not less than \$5,000 nor greater than \$20,000, the City Manager shall quarterly prepare for the City Council a report, which includes a list of the contracts into

which the City has entered during the previous three months.” The motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, Johnson, and Mayor Hitchcock

Noes: Council Members – Mounce

Absent: Council Members – None

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Beckman recalled that at the December 20 Shirtsleeve Session it was suggested that joint meetings of the Planning Commission and City Council be held to consider matters related to the update of the City's General Plan. He recalled that the City Clerk had forwarded information to Council pointing out that three Council Members constitute a quorum and can take action at meetings. In addition, all meetings of the Council are to be attended by Council appointees and minutes must be prepared. He expressed concern with the suggestion on December 20 that three members of the Council attend the Planning Commission meetings, as action could then be taken by those Council Members. He asked that this matter be placed on a future agenda.
- Mayor Hitchcock thanked Nicolas and Noah Carniglia for their comments sent to her in a Christmas card.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager King introduced Ruby Paiste who will serve in the capacity of Interim Finance Director, as former Finance Director, Jim Krueger, has now assumed the position of Deputy City Manager/Internal Services Director. Mr. King mentioned that a newspaper article was recently published in *The Record* on the subject of who authorizes flags being lowered to half staff. He clarified that in Lodi the City Manager directs staff as to when the flag is to be flown at half staff; however, he does not exercise independent discretion. Directives are received from the President, Governor, and Mayor.

I. PUBLIC HEARINGS

None.

J. COMMUNICATIONS

J-1 Claims filed against the City of Lodi – None

J-2 Appointments – None

J-3 Miscellaneous

- a) City Clerk Blackston presented the cumulative Monthly Protocol Account Report through November 30, 2005.

K. REGULAR CALENDAR

K-1 “Approve Downtown Lodi Business Partnership 2005-06 Annual Report, adopt Resolution of Intention to levy annual assessment, and set public hearing for January 4, 2006”

City Manager King explained that at tonight's meeting Council can either approve the Downtown Lodi Business Partnership's (DLBP) Annual Report as filed, or modify it. He noted that the report includes a Special Events Policy for Council's consideration.

Mary Wallace, President of the DLBP, stated that downtown revitalization is an investment in the future health of the entire community. Investors, prospects, and potential residents often look at a city's downtown area as an indication of the quality of life offered by the community. Over the past seven years, Lodi's downtown has become a source of great civic pride and accomplishment. The DLBP has an Executive Director with the responsibilities of: 1) serving as an advocate for the downtown, 2) developing and conducting ongoing public awareness and educational programs, 3) providing day-to-day oversight of projects, 4) acting as a point person for all downtown related issues, and 5) fostering and maintaining a cooperative working relationship with existing business owners, prospective developers, and government agencies. During the past year, the DLBP has formed an economic development committee to coordinate with the City's program. The DLBP has also developed an event policy, contract, and fee schedule. The DLBP has formed a relationship with the Lodi Conference and Visitors Bureau, the Chamber of Commerce, the Wine Grape Commission, Hutchins Street Square, and the City of Lodi. A subgroup entitled "Destination Lodi" has a marketing focus on the wine appellation area and Lodi's downtown. Ms. Wallace reviewed events that have occurred during the past year. She thanked Kevin Bell of the Finance Department for his efforts and noted that there has been 100% compliance in the collection of assessments. She felt it was critical that the City continue to fund the DLBP to ensure its future success. Ms. Wallace introduced Chuck Easterling, newly elected DLBP Board President for 2006, and Jaime Watt newly hired DLBP Executive Director.

Council Member Hansen commented that the Annual Report has been received late and hoped it would be filed in a more timely manner in the future. He noted that last year's budget had a \$16,000 surplus and the proposed budget, ending in six months, has a zero balance.

Nancy Byer-Hauan, DLBP Treasurer, explained that surpluses are reinvested back into the community and downtown area.

Council Member Beckman recalled that during his three years on the Council, the DLBP has been having significant and continual problems. He asked under what authority and direction the DLBP developed the Special Events Policy. He reported that the most common complaint he has heard from DLBP members is that the assessment fee schedule is not equitable. Each year, the DLBP Presidents have promised to resolve the matter, yet it has never been accomplished. Mr. Beckman stated that he would not vote in favor of the continued levy of assessments until the issue of inequities is addressed.

Ms. Wallace replied that the Special Events Policy was created to standardize processes and promote the safety, health, and well being of the property downtown. In addition, the Policy was developed in an effort to influence the type of events that are held in the downtown area. There had been criticism in the past that some events competed with downtown businesses (e.g. sold the same merchandise). The Policy also clarifies responsibilities of the DLBP and the applicant. In response to Council Member Beckman, Ms. Wallace stated that the Policy was optional, and that it could not be enforced without the City's authority to do so, nor could fees be changed without the City's approval. In reference to the inequities of the assessment fee schedule, Ms. Wallace agreed that it should be reviewed.

In answer to Mayor Hitchcock, City Attorney Schwabauer reported that Council's responsibility is to review and approve the DLBP's budget, including its sources of income and proposed expenditures. It is Council's oversight of the process that allows the DLBP to issue what, in essence, is a tax. He suggested that the DLBP should also be asked to report back annually on how the assessment money is spent. There is an agreement between the City and DLBP that provides them some measure of authority over events that occur in the downtown. It does not, however, give them the authority to charge permit fees

as is proposed in the Special Events Policy. The Policy should be considered and acted on by Council tonight.

Mayor Pro Tempore Johnson recalled that it was expressed previously by the DLBP, Chamber of Commerce, and Lodi Conference & Visitors Bureau that these organizations would wean themselves off City funding and work toward becoming self supporting.

Ms. Wallace replied that she felt the DLBP could become self sufficient in the future.

City Manager King commented that the City's funding to the DLBP has remained unchanged over the past two years.

Council Member Mounce agreed that the DLBP should become self supporting. She noted that a balance sheet was not attached to the financial statement and asked that it be submitted. She inquired as to whether the DLBP had an outside auditor, to which Ms. Wallace answered in the affirmative. She pointed out that there was a large credit under "payroll other," to which Ms. Byer-Hauan stated she would review the matter and report back.

Council Member Hansen stated that next year he would not support the continued levying of assessments unless the inequities in fees and boundaries were resolved.

Mr. King stated that staff has questioned whether it was Council's intention that the DLBP would stand as gatekeeper over the City's right of way and use the control of a public asset to generate revenue for their activities.

Mayor Hitchcock recalled that each year a new DLBP President stands before Council and promises to review inequities in assessments and boundaries. It appears that the matter never gets addressed due to the lack of continuity on the Board. She was opposed to approving the Special Events Policy before the longer standing issue of inequities was resolved.

Ms. Wallace acknowledged that a better job of orienting new DLBP Board members should be accomplished. She reviewed the recruitment process undertaken for the selection of the Executive Director position. She commented that independent business owners are used to autonomy and have strong wills, which may account for occasional discord on the DLBP Board.

In reply to Council Member Johnson, Mr. Schwabauer confirmed that a vote of businesses in the Downtown Lodi Business Improvement Area would be required before a change in the assessment or boundaries could be made.

MOTION:

Council Member Mounce made a motion, Johnson second, to approve the Downtown Lodi Business Partnership 2005-06 Annual Report (including the Special Events Policy), adopt Resolution No. 2005-162 of Intention to levy annual assessment, and set public hearing for January 4, 2006.

DISCUSSION:

Council Member Beckman suggested that the concept of the Business Improvement District be expanded to incorporate the Kettleman Lane District, Cherokee Lane District, Lodi Avenue District, etc. into a larger entity that could divide the workload and revenue generation. He believed this would be a good discussion for Council to have in the future. He felt that the Special Events Policy should have been submitted and considered separately from the DLBP's Annual Report.

PUBLIC COMMENTS:

- Pat Patrick, President of the Chamber of Commerce, stated that the Street Fair is grandfathered in and not subject to the Special Events Policy permit fees. He commended Mary Wallace for her work on the DLBP.
- Chuck Easterling believed it would be difficult to conduct the process and obtain the necessary votes to change the assessment amounts and boundaries. Mr. Easterling stated that his priority was to bring the wine industry and other businesses to the downtown area. He commented that seven years ago there was a 70% occupancy rate downtown and it is now over 95%. He felt that more needs to be done to revitalize Sacramento Street.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Hansen, Johnson, and Mounce

Noes: Council Members – Beckman and Mayor Hitchcock

Absent: Council Members – None

- K-2 “Introduce ordinance adding Chapter 15.65 to the Lodi Municipal Code establishing the San Joaquin County Regional Transportation Impact Fee Program and set public hearing for January 4, 2006, to consider adoption of the fee”

NOTE: Due to a potential conflict of interest related to his employment with the Building Industry Association of the Delta, Council Member Beckman abstained from discussion and voting on this matter and vacated his seat at dais.

Andrew Chesley, Executive Director of the San Joaquin Council of Governments (SJCOG), reported that the cities of Escalon, Tracy, Manteca, and Lathrop have adopted their Regional Transportation Impact Fee (RTIF) programs. Stockton, Ripon, and the County are scheduled to consider their RTIF programs in January.

Public Works Director Prima explained that the RTIF is a fee that would be imposed on new development and would go toward regional transportation improvements. The genesis of the fee comes from Measure K, which included a requirement that all agencies have a transportation impact fee and are encouraged to develop a regional fee. Lodi's proposed RTIF is \$2,500 for a single-family dwelling unit, \$1,500 for a multi-family unit, \$1 per square foot for retail buildings, \$1.25 per square foot for office space, and 75 cents per square foot for industrial buildings. Mr. Prima stated that the RTIF would be adopted by resolution following adoption of the ordinance. Of the funds generated from the RTIF, Lodi will retain 75%, and the remaining 25% would be split between transit, the County, and SJCOG.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, introduced Ordinance No. 1767 adding Chapter 15.65 to the Lodi Municipal Code establishing the San Joaquin County Regional Transportation Impact Fee Program and set public hearing for January 4, 2006, to consider adoption of the fee. The motion carried by the following vote:

Ayes: Council Members – Hansen, Johnson, Mounce, and Mayor Hitchcock

Noes: Council Members – None

Absent: Council Members – None

Abstain: Council Members – Beckman

RECESS

At 8:42 p.m., Mayor Hitchcock called for a recess, and the City Council meeting reconvened at 8:50 p.m.

K. REGULAR CALENDAR (Continued)

- K-3 "Adopt resolution eliminating early lock-in date for Development Impact Fees established in Resolution 2004-238 and establishing that Development Impact Fees established by Resolution 2004-238 will not be locked in until the time required by California law"

City Attorney Schwabauer recalled that, at the December 13 Shirtsleeve Session, the topic of development agreements was discussed. He stated that under the City's existing ordinance developers are allowed to lock in impact fees earlier than what is required by California law. This exposes the impact fee programs to increases in costs that accrue during the period between the time the fees are paid and the time the impact fee program improvements are constructed. Those increases are then paid for through City funds, instead of the development that spurred the need for the impact fee program. Staff recommends that Council amend Resolution 2004-238 to provide that the fee increases established in that resolution are not locked in until the latest date allowed by California law.

City Manager King stated that this matter came to staff's attention from a developer applicant who sought to pay fees prior to the end of this year in order to lock them in. That developer may be several years away from pulling a building permit.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, unanimously adopted Resolution No. 2005-263 eliminating early lock-in date for Development Impact Fees established in Resolution 2004-238 and establishing that Development Impact Fees established by Resolution 2004-238 will not be locked in until the time required by California law.

- K-4 "Adopt resolution approving SBC Encroachment Permit Condition (Video Programming Limitation) for new facilities installations"

City Manager King reported that SBC is seeking to conduct work on its infrastructure system, which would allow it to deliver cable television type of programming to customers via phone lines. The Federal Communications Act allows cities to impose franchise fees on cable companies. Staff is concerned that, if phone companies or other entities like SBC were to begin providing cable services, they would operate outside of a franchise agreement. The proposed resolution puts language in the encroachment permit that SBC agrees on behalf of itself and its affiliates that it will not provide video programming cable service without obtaining a franchise agreement from the City.

In answer to questions posed by Council, Mr. King stated that he did not believe this would inhibit the City's ability to provide cable services if it chose to. Wireless providers are similar to standard television service, which is not covered by the Federal Communications Commission. In accordance with Federal law, Lodi's cable franchise is non-exclusive.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Beckman second, adopted Resolution No. 2005-264 approving SBC Encroachment Permit Condition (Video Programming Limitation) for new facilities installations. The motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, Mounce, and Mayor Hitchcock

Noes: Council Members – Johnson

Absent: Council Members – None

- K-5 "Adopt resolution authorizing the City Manager or his designee to execute a Project Development Agreement to fund due diligence assessments associated with the Resource 500 generation project (not to exceed \$61,875)"

Interim Electric Utility Director Dockham reported that Lodi has a need for 30 average megawatts of capacity starting in 2007 and growing to 38 average megawatts of capacity in 2013. Participation in the Resource 500 generation project will address the City's need. The project will be available by June 2006. He recommended diversification by participating in this project as well as the White Slough project. The funding requested at this time would provide for continued due diligence negotiations, engineering assessment of the viability of the plant, and development of the project agreement. The total cost for all the participants in this project at this phase is \$1.5 million. If the negotiating team is able to obtain an agreement with a counter party for sale of the plant, then there would be another need for a higher level of investment to keep the project moving forward. The goal is to conclude negotiations in four months and make the transaction such that energy can begin being delivered to project participants in late June 2006. The White Slough project has not yet been licensed by the California Energy Commission. The earliest the White Slough plant could begin delivering energy would be in 2009. Mr. Dockham stated that he reserved a 25 megawatt allocation in the Resource 500 plant for Lodi; although, he believed the City should participate in the project at a level of 15 megawatts for a cost of \$56,250. To participate at a 25 megawatt level, there would be an additional cost of \$37,000.

In answer to questions posed by Council, Mr. Dockham acknowledged that the City would lose its initial investment if the project did not come to fruition. He confirmed that there would be a cost savings if a transmission line were built from White Slough.

Boris Prokop, consultant for Electric Utility, commented that the most significant, and expensive, decision will be in four months as the project moves forward.

PUBLIC COMMENTS:

- Pat Patrick questioned whether investing in the Resource 500 project would make a negative impression to potential investors of the White Slough project. He asked what the possibility was of building a transmission line from White Slough.

Mr. Dockham replied that it is clearly understood that Lodi is extremely interested in the White Slough project. He believed that controversy surrounding the transmission line could be overcome.

MOTION / VOTE:

The City Council, on motion of Council Member Beckman, Mounce second, unanimously adopted Resolution No. 2005-265 authorizing the City Manager or his designee to execute the Resource 500 Development Agreement with the Central Valley Project Corporation, or its assignee, at 25 megawatt level in substantially the form on file with the City Clerk with such changes, insertions, and omissions as may be approved by the official executing the agreement and the City Attorney in an amount not to exceed \$102,575 and authorizing the City Manager or his designee to approve any changes in the Resource 500 Project Development budget up to 10% without further consideration by the City Council.

- K-6 "Provide preliminary and non-binding policy direction regarding electric rate design/structure for future adjustment to base rates by transferring rates from Market Cost Adjustment charges to Base Rate charges, i.e. 'Truing up the Electric Rates'"

With the aid of an overhead presentation (filed), Interim Electric Utility Director Dockham explained that the Market Cost Adjustment (MCA) is temporary and the Utility's cost structure is permanent. The Utility needs to replace the temporary structure with a long-term permanent solution. The MCA represents one-third of the total income. The income

should be derived from base rates. The electric rate "true up" will eliminate the MCA component and transfer it to a base rate component. The goal is to collect sufficient revenues from each of the classes to support overall Utility service operations, which will be done according to a cost of service study.

Mayor Hitchcock asked if any other electric utilities offer rates to industrial customers that are less than the cost, to which Mr. Dockham stated the information would be researched and provided at a later time.

Mr. Dockham reported that Pacific Gas & Electric (PG&E) uses a five-tiered rate structure. At certain levels of consumption, increasingly higher rates are charged. Lodi has a two-tier rate structure. There are seasonal rates within the tiers. Mr. Dockham stated that if Lodi wants to compare its rates to PG&E, it should go to a five-tier structure.

In reply to Council Member Mounce, Mr. Dockham confirmed that with the two-tier rate structure, a higher electric rate is paid at lower levels of consumption.

City Manager King commented that rating agencies compare Lodi Electric Utility against PG&E.

Mayor Hitchcock and Council Members Hansen and Mounce expressed a preference for a five-tier rate structure.

Mr. Dockham reviewed the following residential discount programs:

- Fixed Income is eligible to qualifying seniors who have an annual income of \$45,000 or less. It provides a 5% discount, there are 90 accounts, and the annual cost of the program is \$5,000.
- Medical Rider Program is eligible to those who are dependant on life support devices or have a medical condition that requires extra heating and cooling needs. Eligible customers receive an additional 500 kilowatt hours at the lowest baseline rate. It provides an 8% discount, there are 354 accounts, and the annual cost of the program is \$134,000.
- SHARE (Single Household Alternate Rate for Energy) Program is eligible to low-income customers and is based on the number of residents in the home. It provides a 30% discount from the standard rate, there are 1,700 accounts, and the annual cost of the program is \$400,000.

Mr. Dockham reported that there are 159 accounts receiving combined discounts, which provide a 36% reduction from standard rates and costs \$50,000 annually.

Council Member Mounce recommended that more effort be made to promote the Fixed Income Program.

Council Members Hansen and Mounce expressed support for retaining the existing electric rate discount programs as currently designed.

Council Member Beckman felt that the discounts were too high.

MOTION / VOTE:

No Council action was taken on this matter.

- K-7 "Adopt resolution awarding contract to Rosendin Electric Inc., of San Jose, CA, for the reconstruction of Killelea Substation and the addition of 60kV power circuit breakers at Industrial Substation, accepting bid withdrawal of Diede Construction, and transferring funds (\$4,231,874)"

Mel Grandi, Electric Services Manager, reported that the Killelea Substation was constructed in 1961 as a 12kV receiving and distribution station. In 1969, it was upgraded to a 60kV receiving station, with distribution continuing at 12kV. In 1994, it was reconfigured to a standard station. The equipment life expectancy is 35 years. The proposed upgrade would fully modify the station. The equipment will be replaced and the station will be expanded for adequate maintenance needs.

Mr. Grandi stated that the Industrial Substation was built in 1990. The proposal is to add two more breakers to increase the capacity necessary for the growth that has occurred.

In reply to Council Member Hansen, Mr. Grandi explained that the proposed substation improvements will make the transformers more efficient and there will be increased efficiency in restoring power after an outage. It will increase overall reliability of the system. The project is anticipated to be completed by May 2007.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Beckman second, unanimously adopted Resolution No. 2005-266 awarding the contract to Rosendin Electric Inc., of San Jose, CA, for the reconstruction of Killelea Substation and the addition of 60kV power circuit breakers at Industrial Substation, accepting bid withdrawal of Diede Construction, and transferring funds in the amount of \$4,231,874.

- K-8 "Ratify employment agreement entered into between City Manager, Blair King, and Deputy City Manager/Internal Services Director, James Krueger, and receive for information only a report on the reorganization of the Finance Department and City Manager's Office"

Employment Agreement

Council Member Mounce commended James Krueger and expressed support for his selection to fill the position of Deputy City Manager/Internal Services Director; however, she was opposed to the severance package in the agreement and stated she would vote against the matter for that reason.

City Manager King explained that the Lodi Municipal Code charges the city manager to make selections of subordinate employees; however, the severance pay provision in the proposed agreement is above his authority, therefore he has brought this matter before Council. Mr. King stated that he intends to provide standard two-year employment agreements to all department heads that are hired henceforth. In Mr. Krueger's agreement, the amount of compensation (\$119,556) is at the high end of the range (\$81,985 to \$99,652). It includes a provision for a six-month notice before the expiration of the contract if it will not be renewed. The severance package includes a cash payment equal to six months' aggregate salary and the City's cost of six months' health insurance benefits if the employee is terminated without cause. The agreement also stipulates that a 5% salary increase may be granted by the City Manager after twelve months of employment. Mr. King noted that if the additional 5% increase is granted, he would bring the matter back to Council.

In reply to Mayor Hitchcock, City Attorney Schwabauer stated that the reason the employment agreements are set up for two-year terms is to allow the option of terminating an employee without having any severance obligation. If it is decided not to renew the agreement there is no legal basis for the employee to sue and claim they were terminated inappropriately.

Mayor Hitchcock expressed concern that two-year employment agreements would not attract the best candidates to apply for positions in Lodi.

Mr. King countered that employees without a contract have no assurance of any term of service. He explained that for typical employees the two-year agreements would be rolled over for another two years. It also provides an opportunity for renegotiation. Mr. King did acknowledge that if there were a change in management, a new city manager could choose to allow all the contracts to expire.

Council Members Hansen and Beckman supported the concept of two-year employment agreements and felt that it offered more stability.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Beckman second, ratified the employment agreement entered into between City Manager, Blair King, and Deputy City Manager/Internal Services Director, James Krueger. The motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, and Johnson

Noes: Council Members – Mounce and Mayor Hitchcock

Absent: Council Members – None

Reorganization of the Finance Department and City Manager's Office

City Manager King explained that line functions are typically defined as those departments that deliver services to the public such as Police, Fire, and Public Works. Support or Internal Service functions are services that support line functions in performing their work, such as Human Resources, Information Systems, and many of the Finance Department functions. The reorganization will consolidate the support services under one direction in an effort to improve communications and efficiencies. Mr. King stated that he would like to decrease the number of department heads in the City. The Deputy City Manager will have direct report functions to include Human Resources, Information Systems, and the Finance Department. The Finance Director position will be removed and the Finance Department will have two divisions: 1) budget, revenue, and purchasing and 2) accounting and customer service functions. There will be an overall reduction of one position in the Finance Department.

VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

The City Council, on motion of Mayor Pro Tempore Johnson, Mounce second, unanimously voted to continue with the remainder of the meeting following the 11:00 p.m. hour, with the exception of agenda item K-10.

K. REGULAR CALENDAR (Continued)

K-9 "Introduce ordinance amending Lodi Municipal Code relating to the establishment of wastewater development impact fees by amending Lodi Municipal Code Title 13 – Public Services – Chapter 13.12, "Sewer Service," by repealing and reenacting Sections 13.12.020 (5) and (45), 13.12.180 (A), and 13.12.190; and further amending Title 15 – Buildings and Construction – Chapter 15.64, "Development Impact Mitigation Fees," by amending Section 15.64.10 – adding new paragraph "F" and relettering paragraphs (G) and (H) – repealing and reenacting Sections 15.64.030 (A) and 15.64.040, amending Section 15.64.060 – adding paragraph "C" – and repealing and reenacting Section 15.64.070 (B)"

Public Works Director Prima explained that the proposed ordinance combines the sewer impact fee and sewer capacity fee. The fees will be collected at the time of the building permit. The only exceptions would be for the few cases in which improvements that trigger fee payment do not require a building permit, or as may be otherwise provided in a development agreement.

MOTION / VOTE:

The City Council, on motion of Council Member Mounce, Hansen second, unanimously introduced Ordinance No. 1768 amending Lodi Municipal Code relating to the establishment of wastewater development impact fees by amending Lodi Municipal Code Title 13 – Public Services – Chapter 13.12, "Sewer Service," by repealing and reenacting Sections 13.12.020 (5) and (45), 13.12.180 (A), and 13.12.190; and further amending Title 15 – Buildings and Construction – Chapter 15.64, "Development Impact Mitigation Fees," by amending Section 15.64.10 – adding new paragraph "F" and relettering paragraphs (G) and (H) – repealing and reenacting Sections 15.64.030 (A) and 15.64.040, amending Section 15.64.060 – adding paragraph "C" – and repealing and reenacting Section 15.64.070 (B).

- K-10 "Discuss and select project nominations for San Joaquin Council of Governments' One Voice trip" was ***pulled from the agenda pursuant to the above vote.***
- K-11 "Approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and various other cases being handled by outside counsel (\$111,268.43) and approve Special Allocation covering general litigation matter expenses (\$10,066.11)"

City Attorney Schwabauer reviewed invoices as outlined in the staff report and delineated below.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, unanimously approved expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and various other cases being handled by outside counsel in the amount of \$111,268.43 and approved Special Allocation covering general litigation matter expenses in the amount of \$10,066.11, as detailed below:

Folger Levin & Kahn - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Total Amount
8001	91583	10/31/05	General Advice/Environmental Matters	\$ 190.36
8002	91556	10/31/05	People v M&P Investments	\$18,631.79
				(\$805.00)
8003	91559	10/31/05	Hartford Insurance Coverage Litigation	\$26,245.25
				(\$470.00)
8005	91560	10/31/05	Unigard Insurance	\$ 1,008.20
8006	91561	10/31/05	Fireman's Fund/Unigard Appeal	\$ 557.83
8008	91562	10/31/05	Envision Law Group	\$54,268.88
				\$99,627.31

Kronick Moskovitz Tiedemann & Girard - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Total Amount	Distribution	
					100351.7323	183453.7
11233.001	222267	10/25/05	General advice	405.00	405.00	
11233.019	222267	10/25/05	Claims by Environ. Cons.	1,096.00		1,096.00
				(54.00)		-54.00
11233.026	222267	10/25/05	Lodi First v. City of Lodi	1,008.11	1,008.11	
11233.027	222267	10/25/05	Citizens for Open Govt.v.Col	449.35	449.35	
				2,904.46	1,862.46	1,042.00

Kronick Moskowitz Tiedemann & Girard - Invoices Distribution

Matter	Invoice	Date	Description	Total	Distribution	
					100351.7323	
	183453.7323					
No.	No.					
11233.001	222698	11/25/05	General advice	124.94	124.94	
11233.019	222698	11/25/05	Claims by	533.01		533.01
			Environmental Cons.			
11233.026	222698	11/25/05	Lodi First v.	7,667.60	7,667.60	
			City of Lodi			
11233.027	222698	11/25/05	Citizens for Open	411.11	411.11	
			Govt.v.Col			
				8,736.66	8,203.65	533.01

L. ORDINANCES

None.

M. ADJOURNMENT TO AGENCY MEETINGS

M-1 "Meeting of the Lodi Public Improvement Corporation"

At 11:22 p.m., Mayor Hitchcock adjourned the City Council meeting to conduct the meeting of the Lodi Public Improvement Corporation. Following the call to order, Secretary Blackston recorded roll.

MOTION / VOTE:

The Corporation, on motion of Director Beckman, Mounce second, unanimously adopted Resolution No. LPIC2005-01 electing the new officers to the Lodi Public Improvement Corporation for calendar year 2006.

There being no further business, the meeting was adjourned at 11:22 p.m.

M-2 "Meeting of the Industrial Development Authority"

At 11:23 p.m., Chairperson Hitchcock called to order the meeting of the Industrial Development Authority, and Secretary Blackston recorded roll.

MOTION / VOTE:

The Authority, on motion of Member Johnson, Mounce second, unanimously adopted Resolution No. IDA-27 electing the new officers to the Industrial Development Authority for calendar year 2006.

There being no further business, the meeting was adjourned at 11:23 p.m.

M-3 "Meeting of the Lodi Financing Corporation"

At 11:24 p.m., President Hitchcock called to order the meeting of the Lodi Financing Corporation, and Secretary Blackston recorded roll.

MOTION / VOTE:

The Corporation, on motion of Director Beckman, Mounce second, unanimously adopted Resolution No. LFC-14 electing the new officers to the Lodi Financing Corporation for calendar year 2006.

There being no further business, the meeting was adjourned at 11:24 p.m.

M-4 "Meeting of the City of Lodi Redevelopment Agency"

At 11:25 p.m., Chairperson Hitchcock called to order the meeting of the City of Lodi Redevelopment Agency, and Secretary Blackston recorded roll.

MOTION / VOTE:

The Agency, on motion of Member Beckman, Hansen second, unanimously adopted Resolution No. RDA2005-01 electing the new officers to the City of Lodi Redevelopment Agency for calendar year 2006 and waiving compensation for the December 21, 2005, meeting.

There being no further business, the meeting was adjourned at 11:25 p.m.

Mayor Hitchcock reconvened the City Council meeting at 11:26 p.m.

N. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 11:26 p.m.

ATTEST:

Susan J. Blackston
City Clerk

**CITY OF LODI
INFORMAL INFORMATIONAL MEETING
"SHIRTSLEEVE" SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, JANUARY 17, 2006**

The January 17, 2006, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Susan J. Blackston
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Quarterly Report of Purchases Between \$5,000 and \$20,000

MEETING DATE: February 1, 2006

PREPARED BY: City Manager

RECOMMENDED ACTION: Information only. This report is made to the City Council in accordance with Lodi Municipal Code §2.12.060.

BACKGROUND INFORMATION: Quarterly reporting is being implemented for the first time, starting as of October 1, 2005. During the 4th calendar quarter of 2005, the following purchases were awarded. Background information for each purchase is attached as Exhibits A through L.

Date	Contractor	Project	Award Amt.
10/07/05	Camellia Valley Supply	Storm Drain Line Extension	\$ 6,115.89
10/12/05	M.P.C. LLC	Purchase of Replacement PCs	\$ 5,633.62
10/17/05	Western States Electric	Electric Inventory Replenishment	\$ 5,950.51
10/25/05	G E Supply Company	Electric Inventory Replenishment	\$12,391.25
10/26/05	Southwest Power Inc	Electric Inventory Replenishment	\$ 6,572.11
10/27/05	Republic Sales & Mfg.	Digester Gas Compressor Replacement	\$ 9,026.20
11/01/05	InfoUSA Gov't Division	Research Database License	\$ 6,602.00
11/17/05	Stephens McCarthy	Fiber Optic Cable Components	\$12,225.96
11/18/05	Econolite Control Prod.	Traffic Control Cabinet Replacement	\$12,367.34
11/18/05	Korean Prof. Bldg Maint.	Interim Janitorial Services	\$14,100.00
11/22/05	Odyssey Landscape Co.	2005 Annual Tree Planting	\$ 5,750.00
12/07/05	WAN / LAN Solutions	Network Infrastructure Upgrade	\$15,489.09

FISCAL IMPACT: Varies by project. Except for the traffic control cabinet replacement (to continue signal control following a traffic accident) all purchases were budgeted in the 2005-2006 Financial Plan.

FUNDING: Funding as indicated on Exhibits.

Blair King, City Manager

Prepared by Joel Harris, Purchasing Officer

cc: Deputy City Manager
Public Works Director
Electric Utility Director
Library Services Director
I S D Manager

APPROVED: _____
Blair King, City Manager

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Storm Drain Line Replacement
DEPARTMENT: Public Works - Wastewater/Streets Divisions
CONTRACTOR Camellia Valley Supply, Sacramento
AWARD AMOUNT: \$6,115.89
DATE OF RECOMMENDATION: October 7, 2005

BIDS OR PROPOSALS RECEIVED:

Camellia Valley Supply, Sacramento	\$6,115.89
Center State Pipe, Stockton	\$6,768.51

“NO BID” or NO RESPONSE RECEIVED:

Ferguson Enterprises, Stockton
Edward Walsh Company, Modesto

BACKGROUND INFORMATION & BASIS FOR AWARD:

This purchase of 240 feet of 12" PVC pipe is required for replacement of a collapsed storm drain at Elm Street and Rose Avenue.

Award based on low bid.

FUNDING: 170405.7352 Storm Drain Maintenance

Prepared by: Joel Harris

Title: Purchasing Officer

Purchase Order No. 14910

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Purchase of Replacement PCs
DEPARTMENT: Police
CONTRACTOR M P C, LLC, Nampa, Idaho
AWARD AMOUNT: \$5,633.62
DATE OF RECOMMENDATION: October 12, 2005

BIDS OR PROPOSALS RECEIVED:

M P C, LLC, Nampa, Idaho
(Ref: Resolution 2005-108)

\$5,633.62

“NO BID” or NO RESPONSE RECEIVED:

N/A

BACKGROUND INFORMATION & BASIS FOR AWARD:

Purchase of five PCs to replace obsolete equipment.

Purchased through Western States Contracting Alliance (WSCA), under authority of Lodi City Council Resolutions 2001-261 and 2005-108.

FUNDING: Federal Block Grant, Account 23411201

Prepared by: Joel Harris

Title: Purchasing Officer

Purchase Order No. 14933-000

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Electric Utility Inventory Replenishment
DEPARTMENT: Electric Utility
CONTRACTOR Western States Electric, Portland, OR
AWARD AMOUNT: \$5,950.51
DATE OF RECOMMENDATION: October 17, 2005

BIDS OR PROPOSALS RECEIVED:

Western States Electric, Portland	\$5,950.51
WESCO Distribution, San Leandro	\$6,705.05
Southwest Power, Benicia, CA	\$8,384.03

“NO BID” or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

The underground distribution system components on this order are needed for installation of service to new residential and commercial customers, and are used for system repairs in the event of failure of existing components. The list consists of Loadbreak Elbow Receptacles, Protective Caps, 15kV Modules, and 15kV Bushing Well Inserts.

Recommend award to low bidder.

FUNDING: 160.1496 Electric Utility Inventory

Prepared by: Joel Harris

Title: Purchasing Officer

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Electric Utility Inventory Replenishment
DEPARTMENT: Electric Utility
CONTRACTOR G E Supply Company, North Highlands
AWARD AMOUNT: \$12,391.25
DATE OF RECOMMENDATION: October 25, 2006

BIDS OR PROPOSALS RECEIVED:

G E Supply Company, North Highlands	\$12,391.25
All Phase Electric Supply, Stockton	\$13,339.45

“NO BID” or NO RESPONSE RECEIVED:

Ace Supply Company, Emeryville
 General Pacific, Portland
 Kortick Manufacturing, San Leandro
 WESCO Distribution, San Leandro
 Intraline, Inc., Burlingame

BACKGROUND INFORMATION & BASIS FOR AWARD:

Luminaires (roadway lights) are being ordered in preparation for winter months when replacement instances are higher and chance for storm damage is greater. The pedestal bases are used on Cherokee Lane for replacement of damaged bases.

Award is based on low bid.

FUNDING: 160.1496 Electric Utility Inventory

Prepared by: Joel Harris

Title: Purchasing Officer

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Electric Utility Inventory Replenishment

DEPARTMENT: Electric Utility

CONTRACTOR Southwest Power, Inc., Benicia, CA.

AWARD AMOUNT: \$6,572.11

DATE OF RECOMMENDATION: October 26, 2005

BIDS OR PROPOSALS RECEIVED:

Southwest Power (Cutouts only)	► \$2,213.62
Kortick Manufacturing, San Leandro (Cutouts only)	\$2,223.96
Western States Electric, Portland (Cutouts only)	\$2,379.12
Southwest Power (Tap Assemblies and Lugs)	► \$4,358.49
Western States Electric (Tap Assemblies and Lugs)	\$4,498.56

“NO BID” or NO RESPONSE RECEIVED:

All Phase Electric Supply, Stockton
 Ace Supply Company, Emeryville
 G E Supply Company, North Highlands
 General Pacific Inc., Portland
 WESCO Distribution, San Leandro
 Intraline, Inc., Burlingame

BACKGROUND INFORMATION & BASIS FOR AWARD:

Stock replenishment orders are generated by reorder points. Cutouts are ordered in full pallet quantities (48) for cost savings; this amount represents about a 5-month supply. Tap assemblies are used at the rate of three per residential customer and three per streetlight standard. Compression lugs are used in the distribution system for commercial customers.

Award is based on low bid.

FUNDING: 160.1496 Electric Utility Inventory

Prepared by: Joel Harris

Title: Purchasing Officer

Purchase Order No. 14982

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Digester Gas Compressor Replacement
DEPARTMENT: Public Works
CONTRACTOR Republic Sales and Manufacturing, Dallas, TX
AWARD AMOUNT: \$9,026.20
DATE OF RECOMMENDATION: October 27, 2005

BIDS OR PROPOSALS RECEIVED:

Republic Sales & Manufacturing, Dallas, TX	\$ 9,026.20
California Tank & Pneumatics, Lodi	\$ 9,121.20
Accurate Air Engineering, Lodi	\$ 9,448.26

“NO BID” or NO RESPONSE RECEIVED:

None

BACKGROUND INFORMATION & BASIS FOR AWARD:

The digester gas compressors at White Slough are essential to maintain proper operation of the anaerobic solids handling process.

Award is based on low bid.

FUNDING: 170403.7331

Prepared by: Del Kerlin

Title: Assistant Wastewater Treatment Superintendent

Purchase Order No. 14986

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: License to Access Research and Reference Database
DEPARTMENT: Lodi Public Library
CONTRACTOR InfoUSA / Reference USA Government Division
AWARD AMOUNT: \$6,602.00
DATE OF RECOMMENDATION: November 1, 2005

BIDS OR PROPOSALS RECEIVED:
InfoUSA / ReferenceUSA, Omaha, NE

“NO BID” or NO RESPONSE RECEIVED:
N/A

BACKGROUND INFORMATION & BASIS FOR AWARD:

InfoUSA is the sole source for this license which allows Library computers with certain IP addresses to access a nationwide library reference and research database.

FUNDING: 210801.7308

Prepared by: Nancy Martinez

Title: Library Services Director

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: FIBER OPTIC CABLE INSTALLATION
DEPARTMENT: ELECTRIC UTILITY
CONTRACTOR STEPHENS, McCARTHY, LANCASTER LLC
AWARD AMOUNT: \$12,225.96
DATE OF RECOMMENDATION: NOVEMBER 17, 2005

BIDS OR PROPOSALS RECEIVED:

Stephens, McCarthy, Lancaster, LLC, Novato, CA

\$12,225.96

“NO BID” or NO RESPONSE RECEIVED:

Sole Source Supplier

BACKGROUND INFORMATION & BASIS FOR AWARD:

Six patch panels are required for the termination of fiber optic cables at each control building at Industrial, McLane and Henning substations. These panels must be installed before fiber can be utilized.

FUNDING: 161685.1831.1700 Fiber Optic Project

Prepared by: Gary Mai

Title: Electrical Estimator

Purchase Order No. 14960

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Emergency Replacement of Traffic Control Cabinet
DEPARTMENT: Public Works
CONTRACTOR Econolite Control Products, Inc., San Leandro
AWARD AMOUNT: \$12,367.34
DATE OF RECOMMENDATION: November 18, 2005

BIDS OR PROPOSALS RECEIVED:
Econolite Control Products, Inc. \$12,367.34

“NO BID” or NO RESPONSE RECEIVED:
None
(Econolite is the City's standard for
traffic controller cabinets)

BACKGROUND INFORMATION & BASIS FOR AWARD:

This is an emergency replacement of a traffic control cabinet damaged by a traffic accident at Lodi Avenue and Ham Lane (LPD Report 05-11872)

The City Council on April 15, 1998 approved Econolite as the standard traffic controller / cabinet for use in the City.

FUNDING: Account 100200.7706 Damage to Property

Prepared by: Richard Prima

Title: Public Works Director

Purchase Order No. 15071

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Interim Janitorial Services
DEPARTMENT: Public Works
CONTRACTOR Korean Professional Building Maintenance
AWARD AMOUNT: \$14,100.00
DATE OF RECOMMENDATION: November 18, 2005

BIDS OR PROPOSALS RECEIVED:
Korean Professional Building Maintenance \$14,100.00

“NO BID” or NO RESPONSE RECEIVED:

None. Recommend award under emergency conditions. Korean Professional is currently the janitorial service provider for other City facilities.

BACKGROUND INFORMATION & BASIS FOR AWARD:

On November 14, 2005, it was learned that one of the City's current janitorial services providers did not have valid workers compensation insurance coverage, and the contract with that provider was terminated. To assure uninterrupted janitorial service for City facilities an interim two-month contract with the City's other current provider, Korean Professional Building Maintenance, is recommended until a longer-term contract can be arranged.

FUNDING: Budgeted. Costs divided among the departments affected.

Prepared by: Dennis Callahan

Title: Fleet / Facilities Manager

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: 2005 Annual Tree Planting
DEPARTMENT: Public Works / Streets
CONTRACTOR Odyssey Landscape Company, Stockton
AWARD AMOUNT: \$5,750.00
DATE OF RECOMMENDATION: November 22, 2005

BIDS OR PROPOSALS RECEIVED:

Odyssey Landscape Company, Stockton	\$5,750.00
Creative Outdoor Environments, Lathrop	\$5,760.00
Valley Crest, Sacramento	\$8,000.00
Arborwell, Castro Valley	\$8,400.00
West Coast Arborists, Anaheim	\$11,600.00

“NO BID” or NO RESPONSE RECEIVED:

None

BACKGROUND INFORMATION & BASIS FOR AWARD:

The annual tree planting program replaces trees that had been removed over the past year. This award addresses the planting of these 80 trees plus the supply of 8 trees. Additionally, the contractor supplies tree stakes, guard and fertilizer.

The purchase of the remaining trees provided by a different supplier. This planting will complete the current tree grant awarded to the City last year.

FUNDING: 105036

Prepared by: George Bradley

Title: Street Superintendent

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Network Infrastructure Upgrade

DEPARTMENT: I S

CONTRACTOR WAN / LAN Solutions Integrators

AWARD AMOUNT: \$15,489.09

DATE OF RECOMMENDATION: December 7, 2005

BIDS OR PROPOSALS RECEIVED:

WAN / LAN Solutions Integrators, Roseville, CA	\$15,489.09
Office Max Technology, Menlo Park, CA	\$16,671.59
GovConnection, Rockville, MD	\$18,064.29
Software House International, Somerset, NJ	\$18,360.60
CompuCom, Dallas, TX	\$18,699.72

“NO BID” or NO RESPONSE RECEIVED:

CDW-G, Vernon Hills, IL
GHA Associates, Scottsdale, AZ

BACKGROUND INFORMATION & BASIS FOR AWARD:

The City's core Cisco router and switch have been given an End-of-Life and End-of-Support date by Cisco, at which time the City will no longer be able to obtain support for these items under a maintenance contract. Without these devices the majority of the City's network infrastructure will be off-line. Therefore, it is necessary to replace the out-of-date equipment with newer equipment. Further, staff recommends purchase of HP equipment instead of Cisco, in part because 1) HP equipment is less expensive than Cisco's; 2) HP provides a lifetime replacement warranty, and 3) our current service provider, WAN/LAN Solutions, has confidence in HP's quality.

Recommended award is based on low bid.

FUNDING: 123001.7715 IS Equipment Replacement Fund

Prepared by: Joel Harris

Title: Purchasing Officer

Purchase Order No. 15115



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Accept the Quarterly Investment Account report as required by law SB 564

MEETING DATE: February 1, 2006

PREPARED BY: Finance Director/Treasurer

RECOMMENDED ACTION: That the City Council by motion/action accept the quarterly report of the City of Lodi pooled money investment account as required by SB 564.

BACKGROUND INFORMATION: SB 564 required local agency treasurers to submit a report on investments at a public meeting. The City of Lodi has an investment policy, which is submitted to council for approval on an annual basis. Copies of the policy are available in the Finance Department.

City of Lodi maintains membership in the California Municipal Treasurers Association and conforms to guide lines set forth by the CMTA investment report committee.

FUNDING: None

Ruby Paiste
Interim Finance Director

Prepared by Maxine Cadwallader, Revenue Manager
Attachment

APPROVED: _____
Blair King, City Manager



City of Lodi
Portfolio Management
Portfolio Summary
December 31, 2005

City of Lodi
 300 W. Pine St.
 Lodi, CA 95240
 (209)333-6800

Investments	Par Value	Market Value	Book Value	% of Portfolio	Term	Days to Maturity	YTM 360 Equiv.	YTM 365 Equiv.
Local Agency Investment Funds	10,960,000.00	10,960,000.00	10,960,000.00	40.08	1	1	3.136	3.180
Certificates of Deposit - Bank	200,000.00	200,000.00	200,000.00	0.73	365	229	3.475	3.523
Passbook/Checking Accounts	16,182,461.10	16,182,461.10	16,182,461.10	59.18	1	1	0.000	0.000
Investments	27,342,461.10	27,342,461.10	27,342,461.10	100.00%	4	3	1.283	1.300

Total Earnings	December 31 Month Ending	Fiscal Year To Date
Current Year	42,535.82	337,797.48
Average Daily Balance	25,507,783.69	25,251,142.26
Effective Rate of Return	1.96%	2.65%

Based on the approved budget and to the extent the budget is adhered to, liquidity is available for the next six months. Union Bank of California is the source of market valuation.

M. Maxine Cadwallader 1-18-06
 Marcella Maxine Cadwallader, Revenue Manager

City of Lodi
Portfolio Management
Portfolio Details - Investments
December 31, 2005

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CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	Moody's	YTM 360	Days to Maturity	Maturity Date
Local Agency Investment Funds												
LAIF	1000	Local Agency Invest. Fund			10,560,000.00	10,560,000.00	10,560,000.00	3.180		3.136	1	
LPIC	1001	Local Agency Inv Fund (LPIC)			400,000.00	400,000.00	400,000.00	3.180		3.136	1	
Subtotal and Average			13,630,967.74		10,960,000.00	10,960,000.00	10,960,000.00			3.136	1	
Certificates of Deposit - Bank												
SYS76WEST	76	Bank of the West		04/17/2005	100,000.00	100,000.00	100,000.00	3.100		3.100	106	04/17/2006
SYS78	78	Bank of America		12/19/2005	100,000.00	100,000.00	100,000.00	3.850		3.850	352	12/19/2006
Subtotal and Average			200,000.00		200,000.00	200,000.00	200,000.00			3.475	229	
Passbook/Checking Accounts												
BACK	4003	Bank of America		07/01/2005	0.00	0.00	0.00			0.000	1	
CENTRAL PLUME	77	Farmers and Merchants Bank		08/01/2005	7,839,876.00	7,839,876.00	7,839,876.00			0.000	1	
SYS4000	4000	Farmers & Merchants			8,320,632.57	8,320,632.57	8,320,632.57			0.000	1	
F & M PAYROLL	74	Farmers & Merchants Payroll		07/01/2005	21,952.53	21,952.53	21,952.53			0.000	1	
Subtotal and Average			11,676,815.95		16,182,461.10	16,182,461.10	16,182,461.10			0.000	1	
Total and Average			25,507,783.69		27,342,461.10	27,342,461.10	27,342,461.10			1.283	3	

City of Lodi
Portfolio Management
Activity By Type
December 1, 2005 through December 31, 2005

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CUSIP	Investment #	Issuer	Stated Rate	Transaction Date	Purchases or Deposits	Redemptions or Withdrawals	Balance
Local Agency Investment Funds (Monthly Summary)							
LAIF	1000	Local Agency Invest. Fund	3.630		0.00	4,600,000.00	
		Subtotal			0.00	4,600,000.00	10,960,000.00
Certificates of Deposit - Bank							
SYS75	75	Bank of America	2.450	12/19/2005	0.00	100,000.00	
SYS78	78	Bank of America	3.850	12/19/2005	100,000.00	0.00	
		Subtotal			100,000.00	100,000.00	200,000.00
Passbook/Checking Accounts (Monthly Summary)							
CENTRAL PLUME	77	Farmers and Merchants Bank			3,725,000.00	85,125.00	
SYS4000	4000	Farmers & Merchants			17,790,166.86	13,816,660.74	
F & M PAYROLL	74	Farmers & Merchants Payroll			233,142.11	237,223.24	
		Subtotal			21,748,308.97	14,139,008.98	16,182,461.10
		Total			21,848,308.97	18,839,008.98	27,342,461.10

City of Lodi
Portfolio Management
Activity Summary
December 2004 through December 2005

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Month End	Year	Number of Securities	Total Invested	Yield to Maturity		Managed Pool Rate	Number of Investments Purchased	Number of Investments Redeemed	Average Term	Average Days to Maturity
				360 Equivalent	365 Equivalent					
December	2004	7	30,790,072.40	1.519	1.540	1.980	1	1	3	2
January	2005	7	33,559,134.34	1.926	1.953	2.260	0	0	3	2
February	2005	7	36,714,529.16	1.942	1.969	2.260	0	0	3	2
March	2005	7	27,841,232.32	1.970	1.998	2.368	0	0	4	2
April	2005	7	25,915,748.41	1.987	2.015	2.380	1	1	4	3
May	2005	7	26,719,658.48	2.256	2.287	2.790	0	0	4	3
June	2005	7	25,485,340.03	2.421	2.454	2.856	0	0	4	3
July	2005	7	25,895,548.17	2.273	2.305	2.856	2	0	4	3
August	2005	8	25,871,155.73	2.530	2.565	3.179	1	0	4	2
September	2005	8	26,010,808.77	2.646	2.683	3.190	0	0	4	2
October	2005	8	25,098,221.20	2.755	2.793	3.180	0	0	4	2
November	2005	8	24,333,161.11	2.028	2.057	3.180	0	0	4	2
December	2005	8	27,342,461.10	1.283	1.300	3.180	1	1	4	3
Average		7	27,813,620.86	2.118%	2.148%	2.743	0	0	4	2

City of Lodi
Portfolio Management
Distribution of Investments By Type
December 2004 through December 2005

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Security Type	December 2004	January 2005	February 2005	March 2005	April 2005	May 2005	June 2005	July 2005	August 2005	September 2005	October 2005	November 2005	December 2005	Average by Period
Local Agency Investment Funds	77.2	85.9	86.7	83.8	83.8	81.2	85.2	79.9	80.0	83.4	87.1	64.0	40.1	78.3%
Certificates of Deposit - Bank	0.7	0.6	0.5	0.7	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.7	0.7%
Certificates of Deposit - S & L														
Passbook/Checking Accounts	22.2	13.5	12.7	15.5	15.5	18.0	14.1	19.3	19.2	15.8	12.1	35.2	59.2	20.9%
Corporate Medium Term Note														
Commercial Paper - Interest Bearing														
Repurchase Agreements														
Federal Agency Issues - Coupon														
Treasury Securities - Coupon														
Mortgage Backed Securities														
Bankers Acceptances -Amortizing														
Commercial Paper Disc. -Amortizing														
Federal Agency Disc. -Amortizing														
Treasury Discounts -Amortizing														
Miscellaneous Discounts -Amortizing														

**City of Lodi
Portfolio Management
Interest Earnings Summary
December 31, 2005**

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	December 31 Month Ending	Fiscal Year To Date
CD/Coupon/Discount Investments:		
Interest Collected	389.44	2,952.34
Plus Accrued Interest at End of Period	170.65	170.65
Less Accrued Interest at Beginning of Period	(31.61)	(235.76)
Less Accrued Interest at Purchase During Period	(0.00)	(0.00)
	<hr/>	<hr/>
Interest Earned during Period	528.48	2,887.23
Adjusted by Premiums and Discounts	0.00	0.00
Adjusted by Capital Gains or Losses	0.00	0.00
	<hr/>	<hr/>
Earnings during Periods	528.48	2,887.23
Pass Through Securities:		
Interest Collected	0.00	0.00
Plus Accrued Interest at End of Period	0.00	0.00
Less Accrued Interest at Beginning of Period	(0.00)	(0.00)
Less Accrued Interest at Purchase During Period	(0.00)	(0.00)
	<hr/>	<hr/>
Interest Earned during Period	0.00	0.00
Adjusted by Premiums and Discounts	0.00	0.00
Adjusted by Capital Gains or Losses	0.00	0.00
	<hr/>	<hr/>
Earnings during Periods	0.00	0.00
Cash/Checking Accounts:		
Interest Collected	0.00	327,010.65
Plus Accrued Interest at End of Period	170,867.22	170,867.22
Less Accrued Interest at Beginning of Period	(128,859.88)	(162,967.62)
	<hr/>	<hr/>
Interest Earned during Period	42,007.34	334,910.25
<hr/>		
Total Interest Earned during Period	42,535.82	337,797.48
Total Adjustments from Premiums and Discounts	0.00	0.00
Total Capital Gains or Losses	0.00	0.00
<hr/>		
Total Earnings during Period	42,535.82	337,797.48



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Accept Improvements Under Contract for Pine Street Overlay Project – Ham Lane to Church Street

MEETING DATE: February 1, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council accept the improvements under the Pine Street Overlay Project – Ham Lane to Church Street contract.

BACKGROUND INFORMATION: A contract with George Reed, Inc., of Lodi, was signed on May 17, 2005, in the amount of \$133,331.00. The contract has been completed in substantial conformance with the plans and specifications approved by City Council.

This project included the installation of a 0.15-foot thick asphalt pavement overlay on Pine Street between Ham Lane and Church Street. The work included approximately 2,000 tons of asphalt concrete and 15,700 square yards of pavement reinforcement fabric, pavement grinding, pavement striping, and other incidental and related work, all as shown on the plans and specifications for the above project.

Plans and specifications for this project were approved on February 16, 2005, and bids were opened on March 30, 2005. The City received the following five bids for this project:

Bidder	Location	Bid
Engineer's Estimate		\$221,175.00
George Reed, Inc.	Lodi	\$133,331.00
Tom Mayo Construction	Stockton	\$148,841.00
Vintage Paving Company	Winters	\$178,329.00
Granite Construction	Stockton	\$192,900.00
AC General Engineering	Sacramento	\$210,353.00

The contract completion date was July 15, 2005, and the actual completion date was July 15, 2005. The final contract price was \$143,146.28. The difference between the contract amount and the final contract price is mainly due to Contract Change Order No. 1 which covered the additional costs to perform the paving operation on a Saturday, stabilize poor subgrade areas, furnish two additional manhole frames and covers and install a handicap ramp at 305 West Pine Street. The delay in accepting this project was due to negotiations regarding these contract change order work items; most notably, the installation of the new handicap ramp at 305 West Pine Street.

Following acceptance by the City Council, the City Engineer will file a Notice of Completion with the County Recorder's office.

FISCAL IMPACT: Staff is anticipating a reduction in pavement maintenance costs as a result of this overlay project.

FUNDING AVAILABLE: Budgeted Fund: Measure K Maintenance
Contract Amount: \$143,146.28

Ruby Paiste, Interim Finance Director

Richard C. Prima, Jr.
Public Works Director

Prepared by Wesley Fujitani, Senior Civil Engineer
cc: Joel Harris, Purchasing Officer

George Bradley, Street Superintendent

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive for Informational Purposes Contract Change Order - Kettleman Lane Gap Closure Project, Lower Sacramento Road to Ham Lane and Stockton Street to Cherokee Lane

MEETING DATE: February 1, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: This item is for information only. No action is required.

BACKGROUND INFORMATION: This information is being given to Council in accordance with the Contract Change Order Policy approved by Resolution 85-173. One of the requirements of this policy is that we inform the City Council of all change orders over 10 percent of the contract amount.

The attached contract change order, approved by the City Manager, was in the amount of \$268,098.26, which is 13% of the contract. The work includes the reconstruction of approximately 480 lineal feet of Mills Avenue south of Kettleman Lane (\$101,578.65), the additional work needed to install water service taps in the medians (\$36,538.62), additional labor and equipment needed to pothole and locate utilities at street light locations (\$12,000), new commercial driveways and sidewalk at Voelker Drive and Kettleman Lane (\$12,000), the additional cost to bore conduit for the signal interconnect cable across Cherokee Lane (\$8,308.65), and the additional costs related to the project because of delays in relocating utility poles along the north side of Kettleman Lane (\$84,436.62). City staff is having discussions with SBC regarding their participation in payment for these delay costs. The remainder of this contract change order covers minor items of additional work and adjustments to the contract pay quantities.

FISCAL IMPACT: This contract change order should not create any change in the fiscal impact of this project other than a slight reduction in pavement maintenance on that portion of Mills Avenue which was reconstructed.

FUNDING AVAILABLE:

Contract Amount:	\$2,418,115.62
Budgeted Fund:	Measure K Flexible Congestion Relief

Ruby Paiste, Interim Finance Director

Richard C. Prima, Jr.
Public Works Director

Prepared by Wesley Fujitani, Senior Civil Engineer
RCP/WKF/pmf
Attachment

APPROVED: _____
Blair King, City Manager

**CITY OF LODI
PUBLIC WORKS DEPARTMENT**

CONTRACT CHANGE ORDER NO. 2

Sheet 1 of 2
Date December 8, 2005
Account No. 325088

RECEIVED
DEC 19 2005
STOCKTON DISTRICT

PROJECT: Kettleman Lane Gap Closure Project
(Lower Sacramento Road to Ham Lane; Stockton Street to Cherokee Lane)

CONTRACTOR: Teichert Construction

You are directed to make the following changes or do the following work not included in the Plans and Specifications on this contract.

Description of work to be done, estimate of quantities, and prices to be paid. Unless otherwise stated, rates for rental of equipment cover only such time as equipment is actually used and no allowance will be made for idle time.

1. Spray Vegetation for Weed Control (9005)	
Agreed Upon Price	\$ 575.00
2. Relocate Staging Area (9008)	
Agreed Upon Price	\$ 1,725.00
2. Renew Storm Drain Permit (9014)	
Agreed Upon Price	\$ 708.40
3. Pothole Utilities for Street Light Foundations (9015)	
Agreed Upon Price	\$ 12,000.00
4. Review Stage Two Signage (9016)	
Agreed Upon Price	\$ 3,265.09
5. Restripe Walmart Driveway (9017)	
Storm Drain Agreed Upon Price	\$ 636.58
6. Abandon Water Service on Mills Ave (9018)	
Agreed Upon Price	\$ 351.95
7. Add Irrigation Conduit Across WID Canal (9019)	
Agreed Upon Price	\$ 838.05
8. Reconstruct Mills Avenue (9020)	
Agreed Upon Price	\$101,578.65
9. Provide Signs and Hardware (9021)	
Agreed Upon Price	\$ 5,970.00
10. Bore SIC Conduit Across Cherokee Lane (9022)	
Agreed Upon Price	\$ 8,308.65
10. Remove AC in Median Near Jack-in-the-Box (9024)	
Agreed Upon Price	\$ 2,507.71
11. Provide Irrigation to Medians (9025,9029)	
Agreed Upon Price	\$ 36,538.62
12. Install Driveways at Voelker Drive (9026)	
Agreed Upon Price	\$ 12,000.00
13. Repair Landscaping at Payless Shoes (9029)	
Agreed Upon Price	\$ 1,485.10
14. Additional Sign Rental and Maintenance	
Agreed Upon Price	\$ 750.13
15. Electrical work for Walmart Sign	
Agreed Upon Price	\$ 4,462.50

**CITY OF LODI
PUBLIC WORKS DEPARTMENT**

CONTRACT CHANGE ORDER NO. 2

Sheet 2 of 2
Date December 8, 2005
Account No. 325088

PROJECT: Kettleman Lane Gap Closure Project
(Lower Sacramento Road to Ham Lane; Stockton Street to Cherokee Lane)

CONTRACTOR: Teichert Construction

16. Repair Loops	
Agreed Upon Price	\$ 887.25
17. Additional Signs at Ham Lane	
Agreed Upon Price	\$ 1,096.20
18. Delay costs	
Agreed Upon Price	\$ 84,436.62
19. Temporary Striping CRIP	
Agreed Upon Price	(\$21,275.59)
20. Adjust Quantity for Contract Item #12 Remove Yellow Stripe	
Add 621.5 M at \$6.50/M Agreed Upon Price	\$ 4,039.75
21. Adjust Quantity for Contract Item #15 Remove Pavement Markers	
Add 666 Ea at \$1.1/Ea Agreed Upon Price	\$ 732.60
22. Adjust Quantity for Contract Item #49 Reflec. Pavement Markers	
Add 1,280 Ea at 3.50/Ea Agreed Upon Price	\$ 4,480.00

**PERCENT OF
CONTRACT**

Original Contract Price	\$2,060,827.00	
Total Cost of This Change Order NOT TO EXCEED	\$ 268,098.26	13%
Previous Change Orders	\$ 89,190.36	
Total Cost of All Change Orders to Date	\$ 357,288.62	17%
Contract Price, Including All Change Orders, Will Be:	\$2,418,115.62	

Submitted By <u>Was Fujitami</u>	Date <u>12-08-05</u>
Approval Recommended <u>William J. [Signature]</u>	Date <u>12-08-05</u>
Approved, Public Works Director <u>[Signature]</u>	Date <u>12/8/05</u>
Approved, City Manager (Per Public Works Policies and Procedures, Administration 4.1) <u>[Signature]</u>	Date <u>1/5/06</u>

The undersigned contractor, having carefully considered the change proposed, agrees, if this proposal is approved, to provide all equipment, furnish all materials, except as otherwise noted above, perform all services necessary for the work above specified, and accept as full payment the prices shown above.

ACCEPTED: Date 12-21-05

Contractor TEICHERT CONSTRUCTION

By [Signature]

Title PROJECT MANAGER

If the contractor does not sign acceptance of this order, the contractor should refer to Section 4-1.03A of the Standard Specifications regarding filing a written protest within the specified time.



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Approving Technical Services Task Order Agreement with RMC, Water Consultants, for Preparation of a State Grant Application for a Recycled Water Master Plan and Appropriating Funds (\$10,000)

MEETING DATE: February 1, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution approving a technical services task order agreement with RMC, Water Consultants, for preparation of a State grant application for a Recycled Water Master Plan (RWMP) and appropriating funds as shown below.

BACKGROUND INFORMATION: As an incentive to municipalities to prepare Recycled Water Master Plans and to pursue the use of recycled water, the State Regional Water Quality Control Board (SRWQCB) is offering grants of up to \$75,000 to help in the cost of preparing these plans.

Lodi's 2005 Urban Water Management Plan is currently being prepared by RMC (consulting engineers), and it includes recycled water and treated surface water as important components of Lodi's future water supply for both existing and future residents. This plan is nearly complete and will be presented to the Council in the near future.

While this plan is not required by the State, staff does believe that recycled water will be an important part of Lodi's future water supply and that we should take advantage of this incentive program. The estimated cost of the plan is \$150,000. The \$10,000 cost to prepare the application will help improve our chances of obtaining the \$75,000 matching grant, as RMC is well-versed in this program. At this time, staff is requesting approval of the task order agreement to cover RMC services to prepare, submit, and process a grant application to the State. This work will set the framework for including recycled water in Lodi's master water supply program that can be expanded to fit the new General Plan. An appropriation of \$10,000 from the Water Fund is required to fund the grant application.

FISCAL IMPACT: City utility costs for recycled water may be recovered through development charges or rates, depending on future decisions to be made by the Council. Staff will be recommending that approval of future developments include requirements for recycled water facilities which would include planning and design costs.

FUNDING AVAILABLE: Water Fund \$10,000

Ruby Paiste, Interim Finance Director

Richard C. Prima, Jr.
Public Works Director

Prepared by F. Wally Sandelin, City Engineer
RCP/FWS/pmf

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING TECHNICAL SERVICES TASK ORDER
AGREEMENT WITH RMC, WATER CONSULTANTS,
FOR PREPARATION OF A STATE GRANT
APPLICATION FOR A RECYCLED WATER MASTER
PLAN; AND FURTHER APPROPRIATING FUNDS

=====

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby approve Technical Services Task Order Agreement with RMC, Water Consultants, for preparation of a State Grant Application for a Recycled Water Master Plan; and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized and directed to execute the agreement on behalf of the City of Lodi; and

BE IT FURTHER RESOLVED, that funds in the amount of \$10,000 be appropriated from the Water funds for this project.

Dated: February 1, 2006

=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the Lodi City Council in a regular meeting held February 1, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2006-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Authorize the City Manager to enter into a contract with Moore Iacofano Goltsman, Inc. (M.I.G.) in the amount of \$80,450 for contract services related to the preparation of the Eastside Mobility and Accessibility Plan (E-MAP)

MEETING DATE: February 1, 2006

PREPARED BY: Community Development Director, Randy Hatch

RECOMMENDED ACTION: Authorize the City Manager to enter into a contract with Moore Iacofano Goltsman, Inc. (M.I.G.) in the amount of \$80,450 for contract services related to the preparation of the Eastside Mobility and Accessibility Plan (E-MAP)

BACKGROUND INFORMATION: In May of 2004 the City was approved by the Dept of Transportation for a grant in the amount of \$80,000 plus a Local Match/In-Kind of \$14,000 for a total project budget of \$94,000 to be used for a project known as the Eastside Mobility and Accessibility Plan (E-MAP)

The intent of the E-MAP Project is to first identify a section of street(s) in the Eastside District that represent a heavily accessed destination point for the local residents of that community. The next step, with the assistance of Public Works and the Police Departments, is to identify specific pedestrian, bicyclist, and motorist safety issues related to accessibility on the street. Then with staff acting as the chair and the proposed consulting firm acting as the mediator/facilitator, members of the community will be invited to participate in a brain storming session (design charet). The charet is anticipated to highlight design elements and street treatments that could be incorporated in the future as public works updates and rehabilitates street treatments.

The anticipated result is a document that would present design guidelines that would provide for a safer pedestrian, bicyclist, and motorist friendly street-scape that reflects the culture and history of the neighborhood through the use of street treatments such as paving materials, street furniture, public art, murals and other improvements. The ultimate intent is to improve mobility and accessibility for all the residents in the community while celebrating the distinct cultural and historical identity of the neighborhood. In the future if funding and support exists, these guidelines can be used as a template to improve other streets in the City in need of rehabilitation.

FISCAL IMPACT: The City was approved by the Dept of Transportation for a grant in the amount of \$80,000 plus a Local Match/In-Kind of \$14,000 for a total project budget of \$94,000. It is staff's intent that the In-kind match be staff time and overhead with minimal cash contributions toward this project. The minimal cash contributions toward this project will include the \$450 to the consultant over the \$80,000 grant, office supplies, and possibly food for working lunches. Any anticipated improvements suggested by this document will be subject to consideration and funding at that time.

APPROVED: _____
Blair King, City Manager

FUNDING AVAILABLE:

As part of the grant approval the City will be awarded a maximum of \$80,000 on a reimbursement bases for consulting services provided by our consultant. Since the anticipated cash contributions toward this project are not expect to exceed \$1,000, the Department budget would be able to absorb said expenditures.

Ruby Paiste, Interim Finance Director

Peter Pirnejad
Planning Manager

Randy Hatch
Community Development Director

Attachment: Proposal from MIG dated January 17, 2006

RH/pp/kc



M O O R E I A C O F A N O G O L T S M A N , I N C .

17 January 2006

Peter Pirnejad, Planner
City of Lodi
221 West Pine Street
Lodi, CA

VIA EMAIL: ppirnejad@lodi.gov

Dear Peter:

It was nice to meet with you and the rest of the Steering Committee members in Lodi a couple of weeks ago. Based on our discussions that day, we have put together a proposed scope and budget for your review. Please let us know if there are any modifications to the work program you'd like to see.

The total estimated cost for the tasks described in the attached work program is **\$80,450**. This means that of the \$84,000 budget, there is still \$3,550 unallocated. We should discuss how you'd like to apply those funds. If you should have any questions, please feel free to contact me at (510) 845-7549.

We look forward to working with you on this exciting project!

Sincerely,
MOORE IACOFANO GOLTSMAN, Inc.

Louis J. Hexter, Project Manager

LJH:ab

P L A N N I N G • D E S I G N • C O M M U N I C A T I O N S • M A N A G E M E N T

800 Hearst Avenue • Berkeley, CA 94710 • 510.845.7549 phone • 510.845.8750 fax

Offices in: Davis, CA • Pasadena, CA • Eugene, OR • Portland, OR • Raleigh, NC • Green Bay, WI

Eastside Mobility and Access Plan
MIG Scope of Services and Cost Estimate**TASK 1.0: PROJECT INITIATION, WORK PROGRAM DEVELOPMENT AND PROJECT MANAGEMENT**

MIG will meet with the City of Lodi staff and members of the project's Steering Committee to initiate the project, to define project objectives, to identify key stakeholders and to brainstorm work program elements. Upon approval of the project work program, MIG will regularly consult with City staff and members of the Steering Committee in order to manage work flow and budget expenditures to meet project objectives.

TASK 2.0: DATA COLLECTION

MIG will review all planning and policy documents provided by the City relevant to the project area in order to understand the project context. The City also will provide MIG with any available electronic mapping/GIS files of the project area.

TASK 3.0: STEERING COMMITTEE AND SUBCOMMITTEE MEETINGS (5)

In addition to the Project Initiation meeting (Task 1), MIG will attend a series of meetings with the Steering Committee in order to timely review of project deliverables and planning for project activities. On January 31, MIG will conduct a walking tour of the project area with the Steering Committee in order to observe and document current conditions, such as land uses, building types, circulation, streetscape, etc. MIG will then meet with the Project Subcommittee, comprised of representatives from law enforcement, local businesses and community organizations, to solicit further input on issues of interest in the project area. MIG will prepare an Issues and Opportunities report as a summary of the day's activities.

TASK 4.0: COMMUNITY FORUM

MIG will work with the Steering Committee to plan, conduct and document a Community Forum to solicit feedback on priority issues and opportunities as well as preliminary planning and design strategies.

Task 4.1: Presentation Materials

MIG will prepare a PowerPoint presentation and a series of maps and displays to illustrate current conditions, key issues and opportunities, and preliminary planning and design strategies as materials for the Community Forum. All materials will be developed in both English and Spanish languages.

Task 4.2: Outreach/Publicity

MIG will assist the Steering Committee in preparing invitations to the Community Forum. Materials will be developed in English and Spanish.

Task 4.3: Forum Facilitation and Graphic Recording

MIG will provide staff to facilitate and graphically record the Community Forum.

Task 4.4: Forum Summary

MIG will prepare a report on the Community Forum, including a summary of oral comments, written comments and photoreductions of the wallgraphics. One (1) draft copy of the report

will be submitted to the Steering Committee for review, and one (1) final copy of the report will be delivered to the City for photocopying and distribution.

TASK 5.0: DRAFT PLAN AND DESIGN GUIDELINES

Based on all of the input from the Steering Committee, Subcommittee and Community Forum activities, MIG will compile a draft plan document describing mobility, access and streetscape improvements for the project area. MIG also will develop Design Guidelines that will respect the historic character of the area, while at the same time improving the streetscape environment within the study area. The guidelines will address issues of overall image and identity (including historic character), the pedestrian environment, appropriate infrastructure improvements, accessibility and security, and circulation. Streetscape standards involving street furniture (such as street lights, garbage receptacles, benches, bollards, etc.), sidewalk conditions, landscaping (like planting, water features, etc) will also be identified. One (1) electronic copy of the diagrams and text for the aforementioned products will be provided to the Client.

This document will be used to communicate to area residents and businesses at a variety of community events, with opportunities for feedback on the contents.

TASK 6.0: REVISED DRAFT PLAN AND DESIGN GUIDELINES

MIG will revise the Draft Plan document in consultation with the Steering Committee to reflect input received at the various community events.

TASK 7.0: PRESENTATIONS TO PLANNING COMMISSION AND CITY COUNCIL

MIG will prepare a summary presentation of the Revised Draft Eastside Mobility and Access Plan and will deliver the presentation as requested to the City's Planning Commission and City Council.

TASK 8.0: FINAL PLAN AND DESIGN GUIDELINES

MIG will prepare a final version of the Eastside Mobility and Access Plan, and will deliver one (1) bound, one (1) master reproducible copy and one (1) electronic version of the final Plan to the City.

City of Lodi -- Eastside Mobility and Access Project
MIG Estimated Project Budget -- January 17, 2006

		Carolyn Verheyen	Lou Hexter	Rosemary Dudley	Project Associate	CAMS	CAMS	MIG Support	Total Labor	
		\$160	\$125	\$125	\$90	\$130	\$95	\$65		
	<i>Tasks</i>									
	Task 1.0: PROJECT INITIATION & COORDINATION	10	30	24	0	0	0	0	\$8,350	
1.1	Project Initiation Meeting	6	6	6					\$2,460	
1.2	Work Program Development		8	2					\$1,250	
1.3	Ongoing Project Management and Coordination	4	16	16					\$4,640	
	Task 2.0: DATA COLLECTION	2	4	16	8	0	0	0	\$3,540	
	Task 3.0: STEERING COMMITTEE AND SUBCOMMITTEE MEETINGS (5)	24	32	32	24	0	0	0	\$14,000	
3.1	Walking Tour/Steering Committee	3	8	8	8				\$3,200	
3.2	Subcommittee Meeting	3	6	6	4				\$2,340	
3.3	Steering Committee Meetings (3)	18	18	18	12				\$8,460	
	Task 4.0: COMMUNITY FORUM	12	34	34	34	4	24	0	\$16,280	
4.1	Presentation Materials	4	16	24	8	2	16		\$8,140	
4.2	Outreach/Publicity	1	4	0	4	2	8		\$2,040	
4.3	Forum Facilitation/Graphic Recording	6	6	6	6				\$3,000	
4.4	Forum Summary	1	8	4	16				\$3,100	
	Task 5.0: DRAFT PLAN AND DESIGN GUIDELINES	4	24	60	32	4	12	0	\$15,680	
	Task 6.0: REVISED DRAFT PLAN AND DESIGN GUIDELINES	2	12	24	16	0	8	0	\$7,020	
	Task 7.0: PRESENTATIONS TO PLANNING COMMISSION/CITY COUNCIL	6	12	12	0	2	8	0	\$4,980	
	Task 8.0: FINAL DRAFT PLAN AND DESIGN GUIDELINES	4	12	24	16	2	8	0	\$7,600	
	TOTAL LABOR HOURS	64	160	226	130	12	60	0	652	
	TOTAL ESTIMATED COST								\$77,450	



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing Destruction of Certain Records Retained by the Lodi Police Department

MEETING DATE: February 1, 2006

PREPARED BY: Jerry J. Adams, Chief of Police

RECOMMENDED ACTION: Adopt Resolution Authorizing Destruction of Certain Records Retained by the Lodi Police Department

BACKGROUND INFORMATION: In the interest of conserving storage space, the Lodi Police Department makes this annual request to destroy certain records in excess of five (5) years of age as follows:

- 1) Background investigations and employment records of previous employees who have left employment with the City over five years ago. This **does not** include retirees.
- 2) Background investigations of previous applicants not hired, over five years old.
- 3) Crime reports, incident reports and traffic reports over five years old, except for those with pending court action and all homicide investigations.
- 4) Investigations of Citizens Complaints over five years old.

FISCAL IMPACT: N/A

FUNDING AVAILABLE: N/A

Jerry J. Adams
Chief of Police

JJA:sm
Attachments
cc: City Attorney

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING DESTRUCTION OF CERTAIN RECORDS
RETAINED BY THE LODI POLICE DEPARTMENT

=====

WHEREAS, in accordance with Government Code Section 34090, the City Attorney has filed his written consent to the destruction of certain records retained by the Lodi Police Department, an inventory of which is attached hereto, marked Exhibit A, and thereby made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that:

1. The records heretofore identified are no longer required.
2. The Lodi City Council finds that the City Attorney has given his written consent to the destruction of the records inventoried on Exhibit A attached hereto and the destruction of those records is hereby authorized.

Dated: February 1, 2006

=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 1, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2006-_____

EXHIBIT A

INVENTORY OF CERTAIN RECORDS RETAINED BY THE LODI POLICE DEPARTMENT REQUESTED TO BE DESTROYED PURSUANT TO GOVERNMENT CODE SECTION 34090

- =====
- 1) Background investigations and employment records of previous employees who have left employment of the City over five years ago. This does not include retirees.
 - 2) Background investigations on previous applicants not hired, over five years old.
 - 3) Crime reports, incident reports and traffic reports over five years old, except for those with pending court action and all homicide investigations.
 - 4) Investigations of citizens' complaints over five years old.

Dated: _____

JERRY J. ADAMS
Chief of Police

APPROVED FOR DESTRUCTION

Stephen Schwabauer
City Attorney

Dated: _____, 2006



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Set public hearing for February 15, 2006 to consider the Planning Commission's recommendation regarding the request to: award 65 medium density growth management allocation units; a zone change from residential multiple-family to planned development and the associated development plan; and adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for 65 single-family dwelling units on the north side of Harney Lane between Panzani Way and Melby Drive. (File numbers: ND-05-01, GM-05-03, Z-05-04; Jeffrey Kirst on behalf of Tokay Development, applicant)

MEETING DATE: February 1, 2006

PREPARED BY: Randy Hatch, Community Development Director

RECOMMENDED ACTION: That the City Council set the public hearing date for February 15, 2006 to consider the Planning Commission's recommendation regarding the request to: award 65 medium density growth management allocation units; a zone change from residential multiple-family to planned development and the associated development plan; and adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for 65 single-family dwelling units on the north side of Harney Lane between Panzani Way and Melby Drive. (File numbers: ND-05-01, GM-05-03, Z-05-04; Jeffrey Kirst on behalf of Tokay Development, applicant)

BACKGROUND INFORMATION: At their January 25, 2006 meeting the Planning Commission conducted a public hearing and considered the request for the above described proposal. All final actions for the above requests require City Council determination. The Planning Commission made its recommendation on the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; growth management allocation; and zone change and development plan and forwards this recommendation to the City Council.

FISCAL IMPACT: N/A

FUNDING AVAILABLE: N/A

Randy Hatch
Community Development Director

RH/kjc

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Set Public Hearing for February 15, 2006, to Consider Resolution Approving New Rates for Solid Waste Collection

MEETING DATE: February 1, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That City Council set a public hearing for February 15, 2006, to consider a resolution approving new rates for solid waste collection.

BACKGROUND INFORMATION: As a part of the franchise agreement with Central Valley Waste Services, rates for solid waste collection are to be adjusted annually. Section 7c of the franchise agreement states that starting April 1, 2005, rates shall be adjusted in a percentage amount equal to 80% of the annual change in the Consumer Price Index for all Urban Consumers for San Francisco-Oakland-San Jose, California area, All Items (1982-84=100).

FISCAL IMPACT: Yearly increase is mandated by contract.

FUNDING AVAILABLE: None required. If approved at the public hearing, the new rates will be implemented by the City starting April 2006.

Richard C. Prima, Jr.
Public Works Director

Prepared by Rebecca Areida, Management Analyst

RCP/RA/pmf

Attachments

cc: Central Valley Waste Services
Steve Mann, Information Systems Division Manager

APPROVED: _____
Blair King, City Manager

Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Comments by the City Council Members on non-agenda items



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Resolution Adopting the San Joaquin County Regional Transportation Impact Fee (RTIF) and Authorize City Manager to Execute Fee Program Operating Agreement

MEETING DATE: February 1, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council conduct a public hearing to consider a resolution adopting the San Joaquin County Regional Transportation Fee (RTIF) and authorize the City Manager to execute the fee program operating agreement.

BACKGROUND INFORMATION: The San Joaquin Council of Governments (COG), with the participation of our City Council representative and staff, has studied and adopted a new fee program to help pay for regional transportation improvements. Such a program was encouraged as part of Measure K – the ½-cent transportation sales tax in this County. (A local transportation fee is required as part of Measure K.)

The COG has asked San Joaquin County and each City to adopt this program (see letter, Exhibit A). A presentation on this subject was made to the City Council at its meeting of November 16, 2005, by City and COG staff. A model ordinance provided by COG was adapted to the City's Municipal Code and introduced at the December 21, 2005 meeting and was adopted at the January 4, 2006 meeting. The actual fee is adopted by resolution that is the subject of this public hearing, as well as to authorize execution by the City Manager of an operating agreement between the City and COG regarding administration of the fee program.

The RTIF Program consists of:

- Technical Report dated October 27, 2005 (the "Nexus Study") – Exhibit B – This report provides the technical documentation and analysis supporting the fee program and the maximum fee.
- Operating Agreement – Exhibit C – This agreement details the procedures for setting, collecting and administering the fees and will be considered following the public hearing.
- City Ordinance (Attached) – This ordinance is based on the model ordinance provided by COG and provides the legal basis for implementing the fee program.
- Resolution (Attached) – This resolution actually sets the fees and will be considered at the public hearing. The new fees will become effective 60 days after adoption of the resolution.

Some of the highlights of the Program are:

A. The proposed fees are:

- \$2,500 per single-family dwelling
- \$1,500 per multi-family dwelling unit
- \$1.00 per retail building square foot
- \$1.25 per office building square foot
- \$0.75 per industrial building square foot

APPROVED: _____
Blair King, City Manager

- B. The fee is automatically adjusted each July 1 by the change in the Engineering News Record Construction Cost Index.
- C. The fees are to be solely used for projects listed in the technical report.
- D. 10% of the funds collected by Cities are provided to San Joaquin County for RTIF projects located within the unincorporated area.
- E. 10% of the funds collected by each agency are provided to the COG for State Highway projects on the RTIF list.
- F. 5% of the funds collected by each agency are provided to the COG for transit improvements on the RTIF list.
- G. 75% of the funds collected by each City (85% County) may be retained by the agency for RTIF projects at their discretion or provided to COG for an RTIF project. A city could agree to transfer a higher amount to the agencies described in D, E, and F for specific projects.
- H. Up to 2% of the first million dollars retained by each agency may be used for administrative costs (plus up to 1% of amounts over one million).
- I. RTIF funds are to be kept in a separate fund and inter-fund borrowing is specifically prohibited, except within the RTIF program.
- J. Semi-annual and annual reporting to COG is required.
- K. Except for the annual index adjustment, there is a 5-year "freeze" on the fees and the program, with 5-year updates following.
- L. Provisions for fee credits or reimbursements to developers for RTIF projects built by development projects are included, similar to the City's fee program.
- M. The City will need to evaluate its own transportation fee to eliminate any double-counting of projects/funding between the RTIF and the City fee. A review of the City's fee program is underway.

In keeping with the intent of Measure K and recognizing the growing need for transportation funding, City staff is supportive of the RTIF. However, staff does not recommend adding a separate component for the City's Public Art Fund. Public art is becoming a more common element in major transportation projects. Individual project sponsors would work with COG on any art component as part of the project scope and budget.

FISCAL IMPACT: Additional transportation funding actually available to Lodi will depend on development activity. The City's 2005 fee for transportation projects is \$12,969 per low-density residential acre or approximately \$2,600 per single-family unit. Clearly, the RTIF would be a significant increase in available funding.

FUNDING AVAILABLE: Not applicable.

Richard C. Prima, Jr.
Public Works Director

Prepared by F. Wally Sandelin, City Engineer
RCP/pmf
Attachments
cc: Wally Sandelin, City Engineer
SJCOG – Andy Chesley
Pennino & Associates



SAN JOAQUIN COUNCIL OF GOVERNMENTS

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November 1, 2005

Gary L. Haskin
CHAIR

John Harris
VICE CHAIR

Andrew Chesley
INTERIM EXECUTIVE
DIRECTOR

Member Agencies

CITIES OF
ESCALON,
LATHROP,
LODI,
MANTECA,
RIPON,
STOCKTON,
TRACY,
AND
THE COUNTY OF
SAN JOAQUIN

Mr. Blair King, City Manager
City of Lodi
221 W. Pine Street
Lodi, CA 95240

Dear Mr. King:

On October 27, 2005, the Board of Directors of the San Joaquin Council of Governments (SJCOG) unanimously adopted the Regional Transportation Impact Fee (RTIF) program. Enclosed for the City of Lodi's review are the RTIF Technical Report, Ordinance, and Operating Agreement. In addition, a Draft Resolution designed to be used by each participating agency to establish the San Joaquin County RTIF Program Fees is enclosed for your review.

The consulting firm of Pennino & Associates has been secured by SJCOG to coordinate the presentation of the RTIF program with all jurisdictions. It is SJCOG's goal to present the RTIF program to all jurisdictions during the months of November and December. Within the next week, you will be contacted to arrange for the RTIF program to be scheduled for action by the Lodi City Council.

It is at the discretion of each jurisdiction to adopt the RTIF program by ordinance or by resolution. Whatever approach the City of Lodi plans to pursue, SJCOG staff will be available to assist in any way possible.

Please direct any questions regarding the RTIF program documents to Michael Swearingen, SJCOG Senior Regional Planner at (209) 468-3913.

Thank you for your immediate attention to the delivery the RTIF Program to the City Council for their review and consideration.

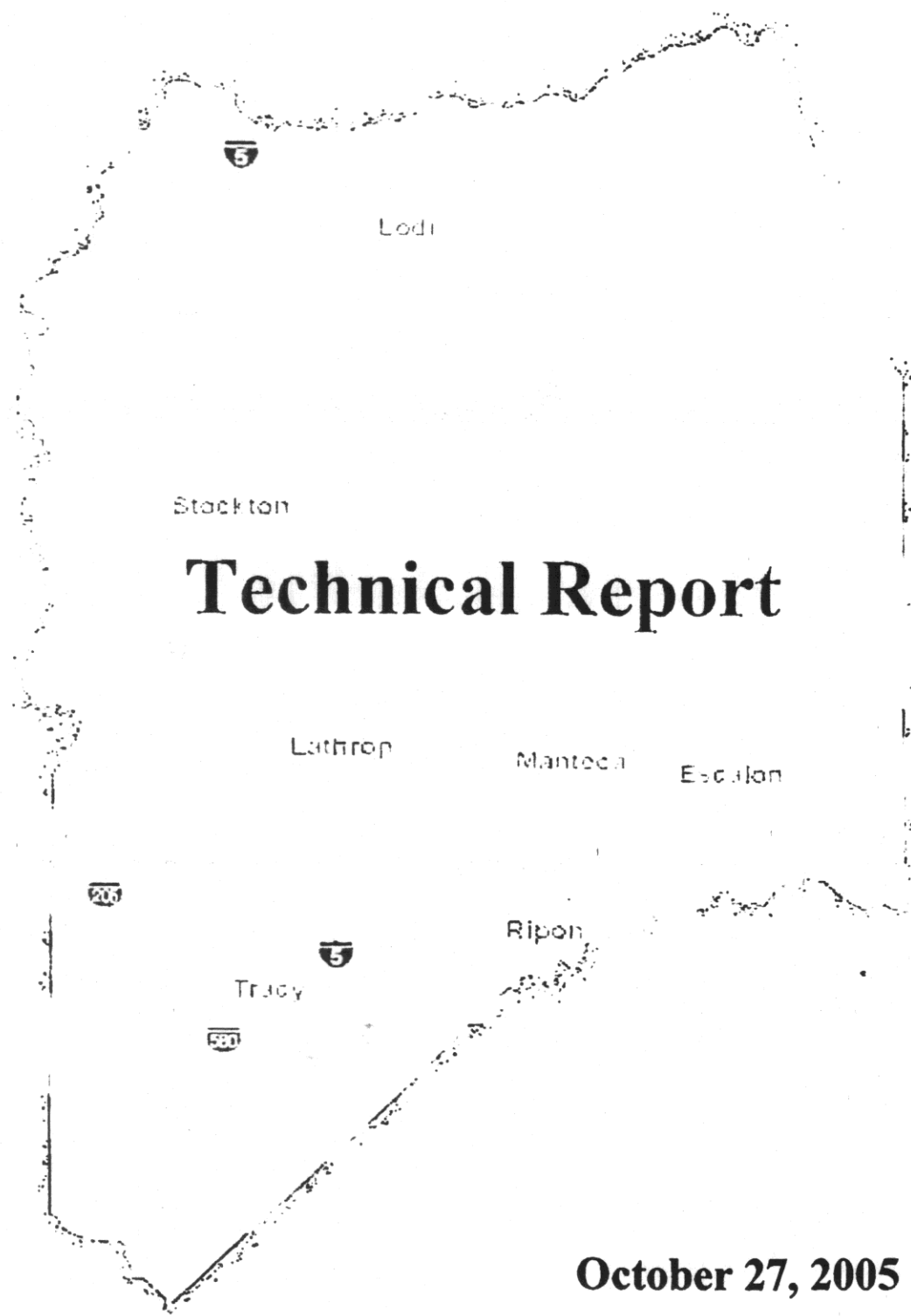
Sincerely,

ANDREW T. CHESLEY
Interim Executive Director

cc Council Member, Larry D. Hansen



REGIONAL TRANSPORTATION IMPACT FEE



October 27, 2005



Economic &
Planning Systems
Real Estate Economics
Regional Economics
Public Finance
Land Use Policy

FINAL REPORT

SAN JOAQUIN REGIONAL TRANSPORTATION IMPACT FEE

Prepared for:

San Joaquin Council of Governments

Prepared by:

Economic & Planning Systems, Inc.
and
Fehr & Peers Associates Inc.

October 2005

EPS #15040

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I. INTRODUCTION AND RESULTS

This Technical Report is designed to provide participating jurisdictions in San Joaquin Region with the necessary technical documentation and nexus analysis supporting the adoption of a Regional Transportation Impact Fee (RTIF) Ordinance. It has been prepared by Economic & Planning Systems, Inc. (EPS) and Fehr & Peers Associates Inc., with input and guidance from the San Joaquin Council of Governments (SJCOG). The RTIF program described in this Report is based on current growth projections and infrastructure requirements and is consistent with the most recent relevant case law and the principles of AB1600 or Government Code Section 66000 et seq ("Fees for Development Projects"; except where specific citations are provided, this statute will be referred to in this Report as AB 1600).

Following this introductory chapter, **Chapter II** discusses the land use growth projections used in this analysis and **Chapter III** describes the RTIF capital costs. **Chapter IV** describes the modeling techniques used to establish nexus for the RTIF program and the resulting RTIF program fee calculation by land use category.

PURPOSE OF PROPOSED FEES AND TECHNICAL REPORT

The RTIF program described in this Report will provide funding for regional transportation improvements required to serve new development and to ensure that existing service levels can be maintained. To the extent that required improvements serve both new and existing development, or travel through the San Joaquin Region, only the portion that is attributable to new development inside the region is included in the RTIF program. It is expected that the RTIF program funding will be augmented by other revenue sources to meet overall funding requirements, particularly Measure K funding and State and Federal Grants.

This Report also provides a schedule of fees to be established by the RTIF Ordinance and/or Resolution. This Report and the technical information it contains should be maintained and reviewed periodically by the SJCOG and participating jurisdictions as necessary to ensure its accuracy and to enable the adequate programming of funding sources. To the extent that improvement requirements, costs, or development potential changes over time, the RTIF program will need to be updated.

The proposed RTIF program fee, if approved, will need to be enabled through adoption by participating jurisdictions of a new Ordinance or Resolution. The enabling Ordinance would allow the jurisdiction to adopt, by Resolution, a fee schedule consistent with supporting technical analysis and findings. The Resolution approach to setting the fee allows periodic adjustments of the fee amount that may be necessary over time, without amending the enabling Ordinance.

SUMMARY OF MAXIMUM AND PROPOSED FEES

A summary of the maximum fees calculated in this RTIF Technical Report by land use category are provided in **Table 1** and summarized below. Because of insufficient data on office growth projection, office category is included as part of the commercial/industrial category.

- \$2,512 per single-family unit
- \$1,542 per multifamily unit
- \$4.65 per retail square foot
- \$2.13 per commercial/industrial square foot

The fees shown above represent the maximum fee that can be charged based on the nexus findings described in this Report. These fees are calculated to generate sufficient revenue to cover the RTIF capital facility costs associated with new development in the County. Participating jurisdictions may as a matter of policy decide to charge a fee below the maximum fee for any or all of the land uses. However, the revenue shortfall to the RTIF program that would result from reducing the fees must be made up by other non-RTIF revenue sources. Specifically, the fee levels for certain land uses cannot be raised to cover revenue shortfalls that result from lowering the fees on other land uses.

SJCOG in conjunction with participating agencies have proposed to charge a fee below the maximum amount legally allowed based on the nexus calculations presented above. A comparison between the maximum RTIF fee and the proposed RTIF fee is presented in **Table 1** of this report.

The fee reduction is based on key stakeholders (i.e., developers, elected officials, city/county officials) goal to mitigate the impact new growth has on the regional transportation system as well as continue to foster economic development, job creation, and sales tax generation. The proposed fees represent a consensus reached by the region's leaders based on the analysis of economic drivers pertinent to the San Joaquin region.

IMPLEMENTATION AND LEGAL CONSIDERATIONS

ANNUAL REVIEW

AB 1600 (at Gov. C. §§ 66001(c), 66006(b)(1)) stipulates that each local agency that requires payment of a fee make specific information available to the public annually within 180 days of the last day of the fiscal year. This information includes the following:

Table 1
Regional Transportation Impact Fee Amount
San Joaquin RTIF Nexus Study; EPS #15040

Category	Maximum RTIF Fee	Proposed RTIF Fee
Total Fee Revenue	\$410,230,388	\$374,620,076
Fee Per Single-Family Unit	\$2,512	\$2,500
Fee Per Multi-Family Unit	\$1,542	\$1,500
Fee Per Retail Sqft.	\$4.65	\$1.00
Fee Per Commercial/Industrial Sqft. (1)		
Office	\$2.13	\$1.25
Industrial	\$2.13	\$0.75

(1) The maximum RTIF fee calculation combines office and industrial land use categories due to insufficient data to separate the two categories.

- A description of the type of fee in the account.
- The amount of the fee.
- The beginning and ending balance of the fund.
- The amount of fees collected and interest earned.
- Identification of the improvements constructed.
- The total cost of the improvements constructed.
- The fees expended to construct the improvement.
- The percent of total costs funded by the fee.

If sufficient fees have been collected to fund the construction of an improvement, the agency must specify the approximate date for construction of that improvement. Because of the dynamic nature of growth and infrastructure requirements, participating jurisdictions and the SJCOG should monitor development activity, the need for infrastructure improvements, and the adequacy of the fee revenues and other available funding. Formal annual review of the CFF program should occur, at which time adjustments should be made. Costs associated with this monitoring and updating effort can be included in the RTIF program.

SURPLUS FUNDS

AB 1600 also requires that if any portion of a fee remains unexpended or uncommitted in an account for five years or more after deposit of the fee, the City Council shall make findings once each year: (1) to identify the purpose to which the fee is to be put, (2) to demonstrate a reasonable relationship between the fee and the purpose for which it was charged, (3) to identify all sources and amounts of funding anticipated to complete financing of incomplete improvements, and (4) to designate the approximate dates on which the funding identified in (3) is expected to be deposited into the appropriate fund (§66001(d)).

If adequate funding has been collected for a certain improvement, an approximate date must be specified as to when construction on the improvement will begin. If the findings show no need for the unspent funds, or if the conditions discussed above are not met, and the administrative costs of the refund do not exceed the refund itself, the local agency that has collected the funds must refund them (Gov. C §66001(e)(f)).

SECURING SUPPLEMENTAL FUNDING

The RTIF program identifies \$561 million in capital projects that can be funded in full or in part by impact fee revenue. However, the RTIF revenue generated is itself not sufficient or appropriate for funding the full amount of the RTIF capital projects identified in this Technical Report. For example, out of the \$561 million in RTIF capital projects, approximately \$128 million can be attributable to trips that originate or end outside the San Joaquin Region. The new facility costs attributable to these "external trips" cannot be covered by impact fee revenue. In addition, the SJCOG Board may

approve fee levels that are lower than the maximum amount allowed based on the nexus analysis, further reducing the revenue available to the RTIF program. Thus, to fully implement the RTIF program, the SJCOG will have to obtain funding and pay for improvements not covered by impact fee revenue. Examples of such sources include Measure K funds; CALTRANS funding; and other local, State and federal sources. Ultimately, funding for the entire cost of the RTIF program must be identified and allocated during the life of the RTIF program.

II. RTIF GROWTH PROJECTIONS

The RTIF program fee is a one-time fee levied on new development at a rate proportional to its demand for transportation capital improvements. Thus, a forecast of new development in the San Joaquin Region is required to calculate the fee. This Chapter documents the land use growth assumptions used to calculate the RTIF program fee. Specifically, it describes the amount of residential, retail, and commercial/industrial land use development expected to occur in San Joaquin Region through the year 2030. These estimates are used for the following primary purposes in the fee calculation:

- Estimates of existing and future development are used to evaluate future traffic levels and determine the need for transportation improvements in the San Joaquin Region.
- Estimates of future development are used to allocate the costs of required transportation improvements and ultimately to calculate a fee per unit of new growth.

The following sections describe the development projections and the key assumptions underlying them.

TIME HORIZON

The time horizon for an impact fee program is important because it determines the type and amount of transportation improvements that will be included in the fee program as well as the level of growth these improvements will serve. A longer time horizon will result in more transportation improvements being included in the RTIF program fee because of the added traffic demands from the increased population and jobs that will occur by that future date. A shorter time horizon typically reduces the number of improvements in the RTIF program fee because it includes only those improvements needed to accommodate a lower level of population and employment growth.

There are two ways that the time interval can be set in an impact fee analysis. One approach is to consider all improvements needed through the "build out" of a community's General Plan. Another approach is to establish a future date, typically before "build out" occurs, which is consistent with forecast data or improvement cycles. Both techniques are used in impact fee technical reports.

This Technical Report is based on a time horizon that ends in the year 2030. This corresponds to the timeframe used in the Regional Transportation Plan (RTP) which specifies the priority transportation projects in the San Joaquin Region, as approved by SJCOG. The timeframe also corresponds to the household and employment projections available for use in this Report, as further described below.

GROWTH PROJECTIONS

The regional household and employment projections, provided by SJCOG, form the basis for developing growth forecasts by land use category. Specifically, household growth projections are used to estimate future residential development, whereas employment growth projections are used to estimate future retail and commercial/industrial development. The household and employment projections used in this Report are based on standard methodology developed in the 2030 Regional Transportation Plan, which is adopted throughout the San Joaquin Region. Table 2 summarizes the projection data.

For employment projections, approximately 350 square feet per retail employee and 700 square feet for all other employment categories are assumed to estimate the commercial/industrial development. In addition, an average vacancy rate of 7 percent for retail and commercial/industrial space is also assumed. The allocation of employment into retail and commercial/industrial land use categories is based on the historical employment proportions reported in data approved by the SJCOG.

DWELLING UNIT EQUIVALENTS

This analysis relies on Dwelling Unit Equivalent (DUE) factors to compare and evaluate future development across land use categories. Specifically, DUE factors compare residential, retail, and commercial/industrial land uses to one another based on their vehicle trip generation rates in order to develop a common metric for analysis. The factors used to convert residential, commercial/industrial, and retail growth into DUEs are shown in Table 3, and are based on standard assumptions regarding trip generation and trip diversion.¹ The DUE factors are then used to calculate total DUE growth by land use, as shown in Table 4.

¹ Assumptions based on data from the Institute of Transportation Engineers (ITE) Trip Generation Model (6th Edition) and the San Diego Council of Governments (SANDAG) Brief Guide to Vehicular Traffic Generation Rates, July 1998.

Table 2
Projected Development by Land Use
San Joaquin RTIF Study; EPS #11212

Category	Year		Total Growth	Avg. Annual Growth
	2005	2030		
Single Family Residential (Units)	165,334	287,943	122,609	2%
Multy-Family Residential (Units)	80,122	111,990	31,868	1.3%
Retail				
Employment	47,347	59,311	11,964	0.9%
Square Feet (1)	15,411,449	19,305,731	3,894,282	0.9%
Commercial/Industrial				
Employment	247,161	272,355	25,194	0.4%
Square Feet (2)	160,901,811	177,303,105	16,401,294	0.4%

(1) Assumes 350 SF per Retail employee, and a 7.0% vacancy rate.

(2) Assumes 700 SF per Commercial / Industrial employee, and a 7.0% vacancy rate.

Table 3
Dwelling Unit Equivalent Calculation Factors
San Joaquin RTIF Nexus Study; EPS #15040

Category	Unit	Pk Hour Trip Rate (1)	% New Trips (2)	DUE
Single Family Residential	DU	1.01	100%	1.00
Multi Family Residential	DU	0.62	100%	0.61
Retail	KSF	3.74	50%	1.85
Commercial				
Office	KSF	1.49	65%	0.96
Industrial	KSF	0.88	85%	<u>0.74</u>
Office/Industrial Avg.				0.85

(1) Peak hour trip rate based on ITE Trip Generation Manual, 6th Edition.

(2) Percent new trips based on SANDAG Brief Guide of Vehicular Traffic Generation Rates

Table 4
Total Dwelling Unit Equivalent Growth
San Joaquin RTIF Nexus Study; EPS #15040

Unit Type	DUE Growth (2005 - 2030)
Single Family Residential	122,609
Multi-Family Residential	19,563
Retail Square Feet	7,210
Commercial/Industrial Square Feet	<u>13,937</u>
Grand Total	163,319

III. RTIF CAPITAL PROJECTS AND COSTS

This chapter documents the transportation improvements included in the RTIF capital project list and their corresponding costs. The RTIF Master Project List was selected based on the inclusion criteria described herein and refined based on funding need. The eligible RTIF capital project list includes all the projects that are assumed to be funded, in full or in part, by RTIF revenue.

RTIF PROJECT INCLUSION CRITERIA

The road and transit projects proposed for funding by the RTIF are included in an initial RTIF Master Project List. The RTIF project list is composed of improvements that fall on the "RTIF Network", a unified system of roadways, transit linkages, and other transportation facilities that confer benefits upon development throughout the County. This network is illustrated in **Figure 1**. The RTIF Network was developed and defined as part of the RTIF planning and policy formulation process.²

While an initial RTIF Master Project List has been established as part of this Technical Report, it is recognized that the list of transportation projects may need to be amended over time as circumstances change. As a result, during the RTIF planning process a number of screening criteria were considered and evaluated as a method for selecting the type of projects that would possibly be funded by RTIF revenue. These screening criteria are designed to distinguish projects where the nexus with new development throughout the San Joaquin Region is strong. It is the adherence to the screening criteria that assures that the required "nexus" findings and other requirements of Government Code Section 66000 et seq. are respected.

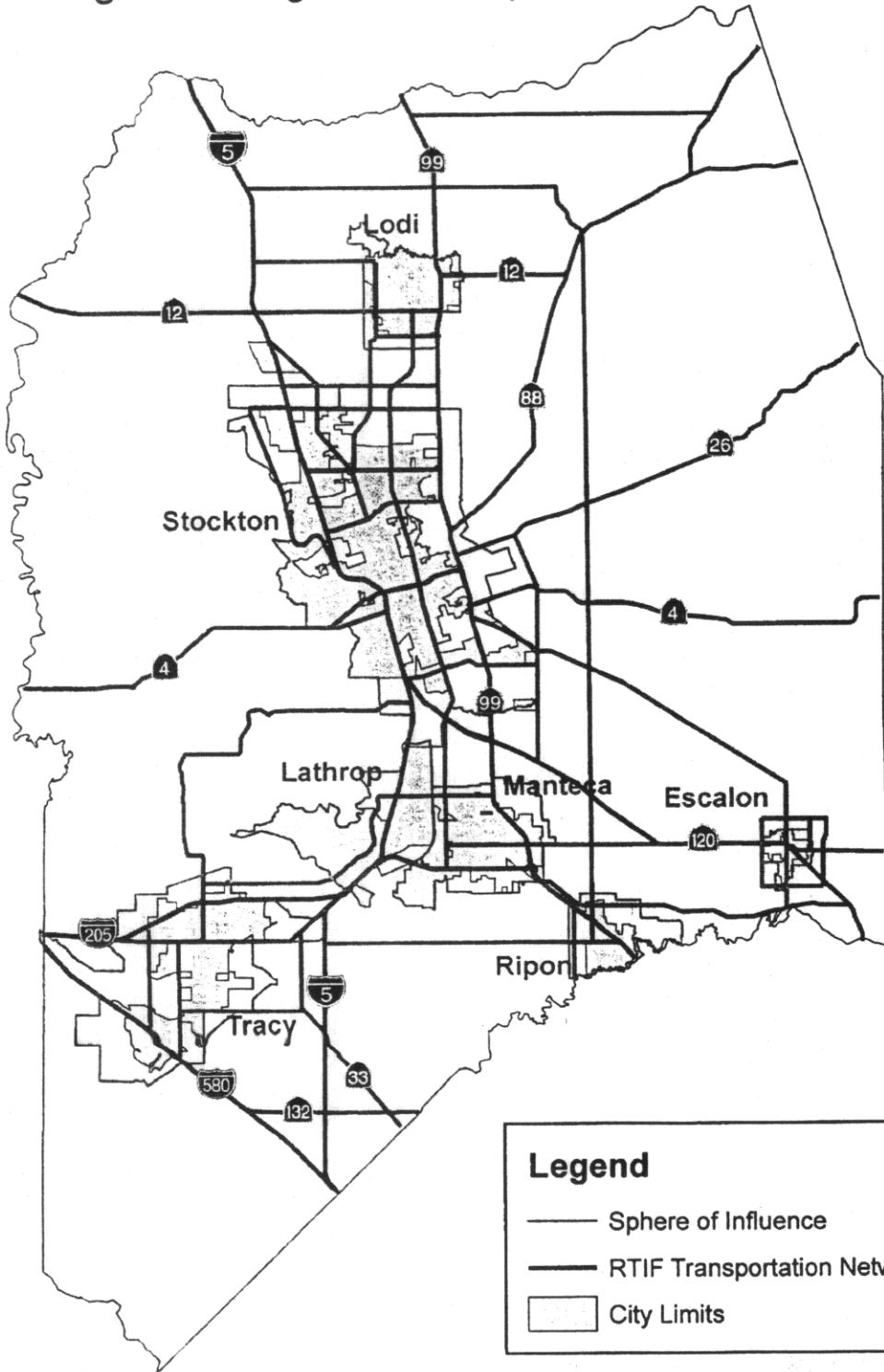
In order to be included in the RTIF Master Project List, Highway Widening, Interchange and Local Roadway Improvement projects must meet all of the following criteria:

- A. All projects must be part of the RTIF Network;
- B. All projects must be scheduled for delivery within the time horizon of the nexus analysis; and³
- C. All projects, except interchange improvements, must involve a capacity improvement of one or more through travel or passing lanes, or auxiliary lanes (i.e., turn lanes).

² The RTIF Network is based on the Congestion Management Program (CMP) network of major facilities of regional significance and supplemented with additional major arterials that serve inter-community travel in San Joaquin County.

³ All RTIF highway widening, interchange, regional roadway, and public transit projects must be identified in the SJCOC Board adopted RTIF project list and Regional Transportation Plan (RTP) prior to delivery. The current time horizon for the RTP is 2005 – 2030.

Figure 1: Regional Transportation Network



In order to be included in the RTIF Master Project List, all Public Transit projects must satisfy the following criteria:⁴

- A. All projects must be scheduled for delivery within the time horizon of the nexus analysis; and
- B. All projects must involve an improvement to an existing or new service/facility which connects at least two or more cities or regions.

The RTIF nexus fee is based on a combination of highway widening, interchange, and regional roadway projects. The RTIF Master Project List is further refined to ensure that appropriate projects receive necessary funding to complete delivery. These projects were selected from the RTIF Master Project List based on the following:

- A. Currently identified in Tier I of the RTP;
- B. Regional roadway and interchange projects that are in Tier I of the RTP and/or are Measure K Renewal projects; and,
- C. All remaining regional roadway projects which fall on the current SJCOG-Board adopted Regional Transportation Network.

A description of the master and eligible RTIF projects and costs are provided in Table 5.

CHANGES TO RTIF MASTER PROJECT LIST

As needs and priorities change over time, on a semi-annual basis, a jurisdiction can exchange any one of their RTIF projects from the RTIF Master Project List with one or more of their projects in Tier I of the RTP. This level of flexibility is intended to help jurisdictions adapt to changes in funding availability and transportation priorities. However, the following conditions need to be met to secure an exchange:

- RTP meets air quality conformity requirements;
- The projects are categorized in Tier I of the RTP. Tier I RTP projects are priority projects for which funding sources have been identified; and,
- RTIF nexus requirements are maintained.

Examples of regional transit projects include: (a) capital purchase of rolling stock; (b) bus shelters and associated amenities; and, (c) multi-modal stations and associated amenities.

ALLOCATION OF ELIGIBLE RTIF COSTS

RTIF funds represent one source of funding. These funds, combined with other local, state and federal funds ensure the complete delivery of the RTIF transportation project. Based on the multiple funding mechanisms, the following rationale was used to allocate net RTIF costs to fiscally constrain the projects and establish the nexus:

- A. **RTIF Projects currently in Tier I of the RTP** - RTIF gross project costs were compared to the costs programmed in the RTP. The cost differentials between the RTIF/Tier I RTP projects were offset with net eligible RTIF costs.
- B. **Regional roadway/interchange projects in Tier I of the RTP and/or MK Renewal** - These projects have multiple funding mechanisms and will require RTIF funds to ensure delivery. As part of the nexus, 23 percent of the gross project costs were used not to exceed the eligible RTIF net project costs.
- C. **Remaining regional roadway projects** - Nexus fee includes full RTIF costs attributable to new development for all remaining Regional Roadway Projects which fall on the adopted Regional Transportation Network.

The impact of this cost allocation is summarized in Table 5. As shown, there are 120 separate RTIF projects with an estimated total capital cost of about \$5.4 billion. Of the total, 48 RTIF projects with a total cost of \$561 million were selected for purposes of calculating the fee amount. This amount reflects to proportion of the projects for which funding sources have not yet been identified. The cost estimates are based on the best information available at the time of this Report. To the extent that this project list and/or the corresponding cost estimates are updated, the maximum fee amount will change accordingly.

Table 5

RTIF Capital Projects
San Joaquin RTIF Nexus Study; EPS #15040

ID#	Project	Project Description	RTIF Master Project Costs (2)	Nexus Project Costs (3)
Mainline Highway Projections				
1	SR-99	Widen 4 to 6 lanes using inside median, Arch Road to Crosstown/99 interchange	\$158,000,000	-
2	SR-99	Widen 6 to 8 lanes (Outside), City of Manteca (Yosemite Ave) to City of Ripon (West Ripon Road)	\$203,000,000	-
3	I-5	Widen 6 to 8 lanes (Inside) from Monte Diablo Avenue under crossing to Otto Drive. Add aux. Possible HOV lane.	\$250,000,000	-
4	I-5	Widen 6 to 8 lanes (Inside), French Camp Road to Charter Way	\$228,000,000	-
5	I-5	Widen 6 to 8 lanes (Inside), SR 120 to French Camp Road	\$71,000,000	-
6	I-205	Widen 6 to 8 lanes (Inside/Outside) from I-580 to I-5	\$268,000,000	-
7	SR-4 Extension	New alignment from Fresno Ave. to Daggett Road	\$150,000,000	\$19,843,070
8	SR-99 Widening	Widen 6 to 8 lanes (Outside), Cherokee Road to Armstrong Road	\$100,000,000	-
9	SR-99	Widen 6 to 8 lanes (Outside), Crosstown to Cherokee Road	\$194,000,000	-
10	SR-99	Widen 6 to 8 lanes (Outside), Arch to Crosstown	\$86,000,000	-
11	SR-99 Widening	Widen 4 to 8 lanes (Outside), French Camp Road to Arch Road	\$100,000,000	-
12	I-5	Widen 6 to 8 lanes (Inside), Otto Drive to New Road A (One mile N. of Eight Mile Road)	\$25,000,000	-
13	SR-99 Widening	Widen 8 to 10 lanes (Outside), Mariposa Road to Cherokee Road	\$150,000,000	-
14	SR-4 Crosstown Widening	Widen 6 to 8 lanes, I-5 to SR-99	\$75,000,000	-
15	SR-26 Widening	Widen 6 to 8 lanes, SR-99 to Austin Road Extension	\$30,000,000	-
16	SR-4 Widening	Widen 6 to 8 lanes, SR-99 to Austin Road Extension	\$30,000,000	-
17	SR-99 @ Crosstown Freeway	Reconstruct Freeway to Freeway Interchange	\$30,000,000	-
18	I-5/SR 4 @ Crosstown Freeway	Reconstruct Freeway to Freeway Interchange	\$59,000,000	-
19	I-5/SR-120	New branch connections (2 Lane Structures). SR-120 West to I-5 North, and I-5 South to SR-120 East	\$35,500,000	\$6,640,000
20	SR-120	Widen 4 to 6 lanes (Inside) from I-5 to SR-99	\$54,000,000	-
21	SR-12	Widen 2 to 4 lanes (Outside), add turn lanes, from SR-99 to SR-88	\$50,500,000	\$31,480,000
22	SR-99	New capacity ~ widen 4 to 6 lanes (Inside), from Jct. 12 East to County line.	\$86,000,000	-
23	SR-99	New capacity ~ widen 4 to 6 lanes (Inside), from north of Harney to SR-12 East	\$11,250,000	-
24	I-5	Widen 4 to 6 lanes (Inside), SR-12 to County Line	\$91,000,000	-
25	I-5 Widening	Widen 8 to 10 lanes, Roth Road to Otto Drive	\$400,000,000	-
26	SR-12 @ I-5	Loop Ramps	\$11,250,000	-
27	SR-99 @ SR-88	Reconstruct interchange	\$19,500,000	-
28	SR-99 @ SR-26	Reconstruct interchange	\$19,500,000	-
29	SR-26	New capacity ~ widen 2 to 4 lanes (Outside), Cardinal (diverting canal) to Jack Tone Road	\$48,000,000	-
30	SR-120 West of Escalon	Widen from Jackstone 5 lane conventional to Sexton, new south alignment to McHenry	\$75,000,000	-
31	SR-120 East of Escalon	New south alignment from McHenry to existing 120 @ Harrold, widen to 5 lane conventional to county line	\$25,000,000	-
32	SR-88	Passing lanes, SR-12 to Amador County Line	\$24,000,000	-
Total Mainline Highway Projections			\$3,157,500,000	\$57,963,070
Interchange Modifications, Reconstructions, and Improvements				
33	I-5 @ Lathrop Road	4 lanes under I-5, modify interchange 0.3 miles north and south of Lathrop Road undercrossing	\$17,200,000	\$3,956,000
34	I-205 @ Paradise/Chrisman	Construction of new interchange	\$40,000,000	\$20,800,000
35	SR-99 @ SR-12 (Kettleman Lane)	Reconstruct interchange	\$20,000,000	\$4,600,000
36	SR-99 @ Harney Lane	Reconstruct interchange	\$20,000,000	-
37	SR-99 @ North Main	Construct new interchange	\$8,900,000	-
38	SR-99 @ Austin Road	Reconstruct/Improve Interchange	\$30,000,000	\$6,900,000

Table 5
RTIF Capital Projects
San Joaquin RTIF Nexus Study; EPS #15040

ID#	Project	Project Description	RTIF Master Project Costs (2)	Nexus Project Costs (3)
39	SR-120 @ McKinley	Reconstruct/Improve Interchange	\$28,200,000	\$6,486,000
40	SR-99 @ Olive Rd.	Construct Interchange to include connection with River Road	\$40,000,000	\$15,760,000
41	SR-99 @ Eight Mile Road	Reconstruct Interchange (PM 35, 1-35.5)	\$36,120,000	\$8,307,600
42	SR-99 @ March Lane/Wilson	New interchange - Construct combined Wilson Way, March Lane Interchange (P.M. 21.1-22.1)	\$100,000,000	\$23,000,000
43	I-5 @ Arch Sperry/French Camp	Modify existing I-5/French Camp Road Interchange (P.M. 20.8-21.2)	\$35,000,000	\$8,050,000
44	SR-99 @ French Camp Road	Reconstruct interchange	\$35,000,000	-
45	SR-99 @ Arch Sperry Road	Phase 2 interchange improvements	\$15,000,000	-
46	SR-99 @ Armstrong Road	Reconstruct interchange	\$35,000,000	-
47	I-5 @ New Road A (N. Gateway)	Construction of new interchange	\$35,000,000	-
48	SR-99 @ New Road A (N. Gateway)	Construction of new interchange	\$35,000,000	\$1,000,000
49	SR-99 @ Morada Lane	Reconstruct interchange	\$17,000,000	\$3,910,000
50	I-5 @ Eight Mile Road	Interchange Modification	\$42,000,000	\$9,660,000
51	I-5 @ Otto Drive	Construction of new interchange	\$47,000,000	\$10,810,000
52	I-5 @ Hammer Lane	Interchange Modification	\$40,000,000	\$9,200,000
53	SR-99 @ Mariposa Road	Reconstruct interchange	\$35,000,000	-
54	SR-99 @ New Road	Construction of new interchange between French Camp Road and Arch-Sperry Road	\$35,000,000	-
55	I-5 @ Matthews Road	Reconstruct interchange	\$35,000,000	-
56	I-5 @ Roth Road	Reconstruct interchange	\$10,000,000	-
57	SR-132 @ I-5 and Bird Road	Upgrade interchange, lengthen ramps, widen approaches, install signal controls	\$55,000,000	-
58	I-580 @ Lammers Road	Construction of new interchange	\$20,000,000	\$12,650,000
59	I-580 @ Coral Hollow Road	Modification of existing interchange	\$55,000,000	\$6,900,000
60	I-205 @ Lammers Road	Construction of new interchange	\$30,000,000	\$6,900,000
61	I-205 @ Granite Road	Modification of existing interchange	\$986,420,000	\$151,989,600
Total Interchange Modifications, Reconstructions, and Improvements				
Regional Roadway Improvements				
62	Lower Sacramento Road	Widen from 2 to 6 lanes, Eight Mile Road to Marada Lane	\$20,000,000	\$5,000,000
63	Lower Sacramento Road	Widen from 2 to 4 lanes, Armstrong Road to Eight Mile Road	\$10,000,000	-
64	Eight Mile Rd.	Widen from 2 to 8 lanes, I-5 to SR-99, Project involves 2 railroad grade separations.	\$50,000,000	\$11,500,000
65	Pacific Avenue	Widen from 6 to 8 lanes, Hammer Lane to March Lane	\$30,000,000	\$6,900,000
66	March Lane	Widen from 6 to 8 lanes, Claremont to West Lane	\$9,262,000	\$8,162,000
67	March Lane	Construct 8 lane Road from Holman to SR-99	\$25,000,000	\$5,000,000
68	West Lane	Widen from 4 to 6 lanes, Armstrong Road to Eight Mile Road	\$10,000,000	\$9,780,000
69	West Lane	Widen from 4 to 6 lanes, SR-99 s/o Alpine-Calaveras River	\$44,200,000	\$43,669,600
70	West Lane	Widen from 6 to 8 lanes, Eight Mile Road to Alpine Avenue	\$35,000,000	\$33,390,000
71	West Lane/Airport Way	Widen from 4 to 6 lanes, Alpine Avenue to Arch Sperry Road	\$60,000,000	\$55,920,000
72	Airport Way	Widen from 2 to 6 lanes, French Camp Road to Roth Road	\$15,000,000	\$12,435,000
73	Airport Way	Widen from 4 to 8 lanes, Arch/Sperry Road to French Camp Road	\$20,000,000	\$15,960,000
74	New Road A	Construct 4 lanes, I-5 to SR-99, Project involves 2 railroad grade separations.	\$25,000,000	-
75	Thornton Road	Widen from 2 to 6 lanes, Bear Creek to Hammer Lane	\$20,000,000	\$4,600,000
76	Aksland Avenue	Construct 4 lanes, Otto Drive to March Lane	\$10,000,000	\$3,000,000
77	Ryde Avenue Bridge	Construct 4 lane bridge over the Calaveras River	\$5,000,000	-
78	Mariposa Road	Widen from 2 to 8 lanes, SR-99 to Austin Road	\$30,000,000	-

Economic & Planning Systems, Inc. 10/24/2005

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Table 5
RTIF Capital Projects
San Joaquin RTIF Nexus Study, EPS #15040

ID#	Project	Project Description	RTIF Master Project Costs (2)	Nexus Project Costs (3)
79	Austin Road	Construct 6 lanes, SR 26 to Main Street	\$10,000,000	-
80	Austin Road	Construct 8 lanes, Main Street to Mariposa Road	\$60,000,000	-
81	Austin Road	Construct 6 lanes, Mariposa Road to Arch Road	\$5,000,000	-
82	Austin Road	Construct 4 lanes, Arch Road to French Camp Road	\$20,000,000	-
83	Arch-Sperry Rd.	Construct 2 to 8 lanes, I-5 to Performance Drive	\$65,000,000	\$14,950,000
84	Arch-Sperry Rd.	Construct 2 to 8 lanes, Performance Drive to Frontier Way	\$35,000,000	\$22,595,000
85	Arch-Sperry Rd.	Widen from 2 to 6 lanes, Frontier Way to Austin Road	\$10,000,000	\$5,690,000
86	French Camp Road	Widen from 2 to 6 lanes, SR-99 to Arch-Sperry Road	\$40,000,000	-
87	Harney Ln.	Widen from 2 to 4 lanes, SR-99 to Lower Sacramento Road (2.6 Miles)	\$12,250,000	\$2,817,500
88	Jack Tone Rd.	Widen from 2 to 4 lanes, SR-99 to SR-88	\$27,000,000	\$6,210,000
89	Liberty Road	Widen from 2 to 4 lanes, SR-99 to SR-88	\$24,974,000	-
90	Peltier Road	Widen from 2 to 4 lanes, SR-99 to I-5	\$15,500,000	-
91	Peltier Road	Widen from 2 to 4 lanes, SR-99 to Elliott Road	\$25,573,000	-
92	Elliott Road	Widen from 2 to 4 lanes, SR-88 to Peltier Road	\$12,900,000	-
93	Yosemite Ave	Widen from 2 to 4 lanes, City limit to North Ripon Rd. 3.05 miles.	\$4,758,000	-
94	Mariposa Road	Widen from 2 to 4 lanes, Austin Road to Jack Tone Road	\$17,352,000	-
95	Mariposa Road	Widen from 2 to 4 lanes, Jack Tone Road to Escalon-Belota Road	\$20,063,000	-
96	French Camp Road	Widen from 2 to 4 lanes, SR-99 to SR-120	\$26,084,000	-
97	Tracy Boulevard	Passing lanes and channelization	\$21,202,000	-
98	Howard Road	Passing lanes and channelization	\$23,935,000	-
99	Airport Way	Widen from 4 to 6 lanes, Lathrop Road to Roth Road.	\$9,293,000	\$2,137,390
100	Escalon-Belota Road	Widen from 2 to 4 lanes, Mariposa Road to Escalon City limit	\$4,009,000	\$1,519,411
101	Airport Way	Widen from 2 to 4 lanes, Yosemite to SR-120	\$1,153,000	\$937,389
102	Airport Way	Widen from 4 to 6 lanes, SR120-Lathrop Road (Manteca)	\$4,900,000	\$4,209,100
103	Lathrop Rd.	Widen from 2 to 4 lanes from east of UPRR to SR-99	\$6,855,000	-
104	Golden Valley Parkway	Parallel facility along north/west side of I-5 from Lathrop Road to Paradise	\$59,290,000	\$40,910,100
105	Lathrop Rd.	Widen from 2 to 4 lanes, I-5 to east UPRR	\$2,560,000	-
106	Corral Hollow Road	Widen from 2 to 4 lanes, Grantline Road to Linne Road	\$20,000,000	-
107	Lammers Road	Widen from 2 to 4 lanes, I-205 to I-580	\$40,000,000	-
108	Linne Road	Widen from 2 to 4 lanes, Corral Hollow Road to Chrisman Road	\$4,289,000	\$2,835,029
109	McHenry @ Ullrey Intersection	Intersection Improvement	\$800,000	\$499,200
110	Campbell Avenue	Widen from 2 to 4 lanes, From SR 120 north to Miller Road and east from Miller Road to Escalon-Belota Road	\$2,500,000	\$1,257,500
111	Campbell Avenue	Widen from 2 to 4 lanes, From Miller Road to Santa Fe Avenue.	\$2,500,000	-
112	Brennan Road	Widen from 2 to 4 lanes, SR 120 south to Jones Road and east from Jones Road to McHenry Avenue	\$2,500,000	-
113	Miller Road	Widen from 2 to 4 lanes, Escalon-Belota Avenue to Campbell Avenue	\$1,123,005	-
114	South Arterial #1	Widen from 2 to 4 lanes, Brennan Avenue to Harrold Avenue	\$5,054,790	-
115	Jones Road	Widen from 2 to 4 lanes, Brennan Road to Harrold Avenue	\$2,000,115	-
	River Road Plus Extension	Widen from 2 to 4 lanes, From McHenry Avenue to SR 120. Includes Parallel Facility to SR 99 North to SR 120	\$25,000,000	-
		with extension of Olive Road south to SJC line. May include roundabout (River Road @ McHenry).		
116		Widen existing road from 2 to 4 lanes and extend Ripon Road West to I-5	\$50,000,000	-
117	West Ripon Road (1)		\$1,138,879,910	\$321,884,219
Total Regional Roadway Improvements				

Table 5
RTIF Capital Projects
San Joaquin RTIF Nexus Study; EPS #15040

ID#	Project	Project Description	RTIF Master Project Costs (2)	Nexus Project Costs (3)
	Public Transit			
118	Bus Rapid Transit (BRT)	Regional/Inter-Regional BRT system	\$100,412,410	\$19,931,535
119	Regional Busses	Purchase of buses for service expansion (Intercity/Interregional)	\$10,000,000	\$2,100,000
120	Altamont Commuter Express (ACE)	Acquisition of ACE Corridor between Lathrop and Niles Junction	\$45,000,000	\$6,950,000
	Total Public Transit		\$155,412,410	\$28,981,535
	TOTAL ALL PROJECTS		\$5,438,212,320	\$560,818,424

(1) Project delivery is contingent on the results of a feasibility study and pending analysis of the region's expressway needs.

(2) Represent all projects in the RTIF network. All projects are selected based on Inclusion Criteria.

(3) Represents RTIF projects/costs used to establish nexus.

Table 6
RTIF Trip Distribution and Net Project Costs
San Joaquin RTIF Nexus Study; EPS #15040

ID#	Project	Trip Distribution		Net Nexus Project Costs
		Internal Trips	External Trips	
Mainline Highway Projections				
1	SR-99	48.3%	51.7%	-
2	SR-99	31.3%	68.7%	-
3	I-5	54.1%	45.9%	-
4	I-5	59.9%	40.1%	-
5	I-5	61.3%	38.7%	-
6	I-205	46.4%	53.6%	-
7	SR-4 Extension	43.5%	56.5%	\$7,708,140
8	SR-99 Widening	54.1%	45.9%	-
9	SR-99	57.8%	42.2%	-
10	SR-99	48.3%	51.7%	-
11	SR-99 Widening	42.6%	57.4%	-
12	I-5	47.2%	52.8%	-
13	SR-99 Widening	54.8%	45.2%	-
14	SR-4 Crosstown Widening	60.0%	40.0%	-
15	SR-26 Widening	60.7%	39.3%	-
16	SR-4 Widening	48.6%	51.4%	-
17	SR 99 @ Crosstown Freeway	62.5%	37.5%	-
18	I-5/SR 4 @ Crosstown Freeway	65.5%	34.5%	-
19	I-5/SR-120	33.2%	66.8%	\$2,204,480
20	SR-120	29.1%	70.9%	-
21	SR-12	78.7%	21.3%	\$24,774,760
22	SR-99	41.3%	58.7%	-
23	SR-99	48.0%	52.0%	-
24	I-5	45.2%	54.8%	-
25	I-5 Widening	58.1%	41.9%	-
26	SR-12 @ I-5	46.1%	53.9%	-
27	SR-99 @ SR-88	65.8%	34.2%	-
28	SR-99 @ SR-26	69.1%	30.9%	-
29	SR-26	57.0%	43.0%	-
30	SR-120 West of Escalon	30.6%	69.4%	-
31	SR-120 East of Escalon	26.7%	73.3%	-
32	SR-88	45.5%	54.5%	-
Interchange Modifications, Reconstructions, and Improvements				
33	I-5 @ Lathrop Road	70.5%	29.5%	\$2,788,980
34	I-205 @ Paradise/Chrisman	62.3%	37.7%	\$12,958,400
35	SR-99 @ SR-12 (Kettleman Lane)	86.0%	14.0%	\$3,956,000
36	SR-99 @ Harney Lane	86.9%	13.1%	-
37	SR-99 @ North Main	82.5%	17.5%	-
38	SR-99 @ Austin Road	67.7%	32.3%	\$4,671,300
39	SR-120 @ McKinley	77.5%	22.5%	\$5,026,650
40	SR-99 @ Olive Rd.	40.2%	59.8%	\$6,335,520
41	SR-99 @ Eight Mile Road	64.2%	35.8%	\$5,333,479
42	SR-99 @ March Lane/Wilson	73.0%	27.0%	\$16,790,000
43	I-5 @ Arch Sperry/French Camp	56.8%	43.2%	\$4,572,400
44	SR-99 @ French Camp Road	48.7%	51.3%	-
45	SR-99 @ Arch Sperry Road	57.5%	42.5%	-

Table 6

RTIF Trip Distribution and Net Project Costs
San Joaquin RTIF Nexus Study; EPS #15040

ID#	Project	Trip Distribution		Net Nexus Project Costs
		Internal Trips	External Trips	
46	SR-99 @ Armstrong Road	89.2%	10.8%	-
47	I-5 @ New Road A (N. Gateway)	97.6%	2.4%	-
48	SR-99 @ New Road A (N. Gateway)	71.5%	28.5%	-
49	SR-99 @ Marada Lane	65.4%	34.6%	\$654,000
50	I-5 @ Eight Mile Road	67.2%	32.8%	\$2,627,520
51	I-5 @ Otto Drive	65.9%	34.1%	\$6,365,940
52	I-5 @ Hammer Lane	91.1%	8.9%	\$9,847,910
53	SR-99 @ Mariposa Road	59.3%	40.7%	\$5,455,600
54	SR-99 @ New Road	60.8%	39.2%	-
55	I-5 @ Matthews Road	72.5%	27.5%	-
56	I-5 @ Roth Road	70.2%	29.8%	-
57	SR-132 @ I-5 and Bird Road	44.7%	55.3%	-
58	I-580 @ Lammers Road	50.5%	49.5%	-
59	I-580 @ Coral Hollow Road	36.5%	63.5%	-
60	I-205 @ Lammers Road	58.5%	41.5%	\$7,400,250
61	I-205 @ Grantline Road	70.8%	29.2%	\$4,885,200
Regional Roadway Improvements				
62	Lower Sacramento Road	83.2%	16.8%	\$4,160,000
63	Lower Sacramento Road	93.8%	6.2%	-
64	Eight Mile Rd.	69.5%	30.5%	\$7,992,500
65	Pacific Avenue	95.2%	4.8%	\$6,568,800
66	March Lane	93.2%	6.8%	\$7,606,984
67	March Lane	85.0%	15.0%	\$4,250,000
68	West Lane	96.1%	3.9%	\$9,398,580
69	West Lane	98.8%	1.2%	\$43,145,565
70	West Lane	94.9%	5.1%	\$31,687,110
71	West Lane/Airport Way	93.4%	6.6%	\$52,229,280
72	Airport Way	85.0%	15.0%	\$10,569,750
73	Airport Way	79.3%	20.7%	\$12,656,280
74	New Road A	67.9%	32.1%	-
75	Thornton Road	77.8%	22.2%	\$3,578,800
76	Aksland Avenue	87.0%	13.0%	\$2,610,000
77	Ryde Avenue Bridge	96.4%	3.6%	-
78	Mariposa Road	57.3%	42.7%	-
79	Austin Road	53.7%	46.3%	-
80	Austin Road	68.6%	31.4%	-
81	Austin Road	62.4%	37.6%	-
82	Austin Road	65.0%	35.0%	-
83	Arch-Sperry Rd.	61.4%	38.6%	\$9,179,300
84	Arch-Sperry Rd.	63.3%	36.7%	\$14,302,635
85	Arch-Sperry Rd.	64.0%	36.0%	\$3,641,600
86	French Camp Road	45.7%	54.3%	-
87	Harney Ln.	89.9%	10.1%	\$2,532,933
88	Jack Tone Rd.	55.3%	44.7%	\$3,434,130
89	Liberty Road	17.5%	82.5%	-
90	Peltier Road	39.2%	60.8%	-
91	Peltier Road	38.8%	61.2%	-

Table 6
RTIF Trip Distribution and Net Project Costs
San Joaquin RTIF Nexus Study; EPS #15040

ID#	Project	Trip Distribution		Net Nexus Project Costs
		Internal Trips	External Trips	
92	Elliott Road	52.2%	47.8%	-
93	Yosemite Ave	29.3%	70.7%	-
94	Mariposa Road	53.4%	46.6%	-
95	Mariposa Road	49.6%	50.4%	-
96	French Camp Road	52.1%	47.9%	-
97	Tracy Boulevard	47.0%	53.0%	-
98	Howard Road	55.5%	44.5%	-
99	Airport Way	80.6%	19.4%	\$1,722,736
100	Escalon-Belota Road	37.1%	62.9%	\$563,701
101	Airport Way	81.5%	18.5%	\$763,972
102	Airport Way	85.1%	14.9%	\$3,581,944
103	Lathrop Rd.	66.0%	34.0%	-
104	Golden Valley Parkway	68.7%	31.3%	\$28,105,239
105	Lathrop Rd.	69.0%	31.0%	-
106	Corral Hollow Road	74.1%	25.9%	-
107	Lammers Road	59.3%	40.7%	-
108	Linne Road	67.5%	32.5%	\$1,913,645
109	McHenry @ Ullrey Intersection	62.7%	37.3%	\$312,998
110	Campbell Avenue	51.7%	48.3%	\$650,128
111	Campbell Avenue	59.2%	40.8%	-
112	Brennan Road	37.6%	62.4%	-
113	Miller Road	50.1%	49.9%	-
114	South Arterial #1	52.4%	47.6%	-
115	Jones Road	52.4%	47.6%	-
116	River Road Plus Extension	14.9%	85.1%	-
117	West Ripon Road (1)	68.2%	31.8%	-
Public Transit (2)				
118	Bus Rapid Transit (BRT)	n/a	n/a	\$5,993,758
119	Regional Busses	n/a	n/a	\$631,506
120	Altamont Commuter Express (ACE)	n/a	n/a	\$2,089,985
Total				\$410,230,388

(1) Project delivery is contingent on the results of a feasibility study and pending analysis of the region's expressway needs.

(2) All public transit costs based on the incremental DUE growth as 30% of the total DUE in 2030.

Table 7

RTIF Fee Calculation

San Joaquin RTIF Nexus Study; EPS #15040

ID#	Project	Cost Per DUE (1)
Mainline Highway Projections		
1	SR-99	-
2	SR-99	-
3	I-5	-
4	I-5	-
5	I-5	-
6	I-205	-
7	SR-4 Extension	\$47.20
8	SR-99 Widening	-
9	SR-99	-
10	SR-99	-
11	SR-99 Widening	-
12	I-5	-
13	SR-99 Widening	-
14	SR-4 Crosstown Widening	-
15	SR-26 Widening	-
16	SR-4 Widening	-
17	SR 99 @ Crosstown Freeway	-
18	I-5/SR 4 @ Crosstown Freeway	-
19	I-5/SR-120	\$13.50
20	SR-120	-
21	SR-12	\$151.70
22	SR-99	-
23	SR-99	-
24	I-5	-
25	I-5 Widening	-
26	SR-12 @ I-5	-
27	SR-99 @ SR-88	-
28	SR-99 @ SR-26	-
29	SR-26	-
30	SR-120 West of Escalon	-
31	SR-120 East of Escalon	-
32	SR-88	-
Interchange Modifications, Reconstructions, and Improvements		
33	I-5 @ Lathrop Road	\$17.08
34	I-205 @ Paradise/Chrisman	\$79.34
35	SR-99 @ SR-12 (Kettleman Lane)	\$24.22
36	SR-99 @ Harney Lane	-
37	SR-99 @ North Main	-
38	SR-99 @ Austin Road	\$28.60
39	SR-120 @ McKinley	\$30.78
40	SR-99 @ Olive Rd.	\$38.79
41	SR-99 @ Eight Mile Road	\$32.66
42	SR-99 @ March Lane/Wilson	\$102.81
43	I-5 @ Arch Sperry/French Camp	\$28.00
44	SR-99 @ French Camp Road	-
45	SR-99 @ Arch Sperry Road	-
46	SR-99 @ Armstrong Road	-

Table 7

RTIF Fee Calculation

San Joaquin RTIF Nexus Study; EPS #15040

ID#	Project	Cost Per DUE (1)
47	I-5 @ New Road A (N. Gateway)	-
48	SR-99 @ New Road A (N. Gateway)	-
49	SR-99 @ Marada Lane	\$4.00
50	I-5 @ Eight Mile Road	\$16.09
51	I-5 @ Otto Drive	\$38.98
52	I-5 @ Hammer Lane	\$60.30
53	SR-99 @ Mariposa Road	\$33.40
54	SR-99 @ New Road	-
55	I-5 @ Matthews Road	-
56	I-5 @ Roth Road	-
57	SR-132 @ I-5 and Bird Road	-
58	I-580 @ Lammers Road	-
59	I-580 @ Coral Hollow Road	-
60	I-205 @ Lammers Road	\$45.31
61	I-205 @ Grantline Road	\$29.91
Regional Roadway Improvements		
62	Lower Sacramento Road	\$25.47
63	Lower Sacramento Road	-
64	Eight Mile Rd.	\$48.94
65	Pacific Avenue	\$40.22
66	March Lane	\$46.58
67	March Lane	\$26.02
68	West Lane	\$57.55
69	West Lane	\$264.18
70	West Lane	\$194.02
71	West Lane/Airport Way	\$319.80
72	Airport Way	\$64.72
73	Airport Way	\$77.49
74	New Road A	-
75	Thornton Road	\$21.91
76	Aksland Avenue	\$15.98
77	Ryde Avenue Bridge	-
78	Mariposa Road	-
79	Austin Road	-
80	Austin Road	-
81	Austin Road	-
82	Austin Road	-
83	Arch-Sperry Rd.	\$56.20
84	Arch-Sperry Rd.	\$87.57
85	Arch-Sperry Rd.	\$22.30
86	French Camp Road	-
87	Harney Ln.	\$15.51
88	Jack Tone Rd.	\$21.03
89	Liberty Road	-
90	Peltier Road	-
91	Peltier Road	-
92	Elliott Road	-
93	Yosemite Ave	-

Table 7
RTIF Fee Calculation
San Joaquin RTIF Nexus Study; EPS #15040

ID#	Project	Cost Per DUE (1)
94	Mariposa Road	-
95	Mariposa Road	-
96	French Camp Road	-
97	Tracy Boulevard	-
98	Howard Road	-
99	Airport Way	\$10.55
100	Escalon-Belota Road	\$3.45
101	Airport Way	\$4.68
102	Airport Way	\$21.93
103	Lathrop Rd.	-
104	Golden Valley Parkway	\$172.09
105	Lathrop Rd.	-
106	Corral Hollow Road	-
107	Lammers Road	-
108	Linne Road	\$11.72
109	McHenry @ Ullrey Intersection	\$1.92
110	Campbell Avenue	\$3.98
111	Campbell Avenue	-
112	Brennan Road	-
113	Miller Road	-
114	South Arterial #1	-
115	Jones Road	-
116	River Road Plus Extension	-
117	West Ripon Road (2)	-
Public Transit		
118	Bus Rapid Transit (BRT)	\$36.70
119	Regional Busses	\$3.87
120	Altamont Commuter Express (ACE)	\$12.80
Total		\$2,511.84

(1) Net RTIF project cost divided by total DUE of 163,319

(2) Project delivery is contingent on the results of a feasibility study and pending analysis of the region's expressway needs.



REGIONAL TRANSPORTATION IMPACT FEE



October 27, 2005

**SAN JOAQUIN COUNTY
REGIONAL TRANSPORTATION IMPACT FEE PROGRAM
OPERATING AGREEMENT**

THIS REGIONAL TRANSPORTATION IMPACT FEE PROGRAM OPERATING AGREEMENT ("Agreement") dated as of the Effective Date is made by and between the San Joaquin Council of Governments ("SJCOG"), and the following eight public agencies located within San Joaquin County (collectively the "Participating Agencies"), including, the County of San Joaquin ("County"), the City of Escalon ("Escalon"), the City of Manteca ("Manteca"), the City of Lathrop ("Lathrop"), the City of Lodi ("Lodi") the City of Ripon ("Ripon") the City of Stockton ("Stockton"), and the City of Tracy ("Tracy") (the identified cities are hereinafter collectively the "Cities").

RECITALS

WHEREAS, SJCOG has the responsibility as the region's designated Metropolitan Planning Organization and through its powers as specified in its joint powers agreement to maintain and improve the Regional Transportation Network, and

WHEREAS, the Participating Agencies and SJCOG find that future development within the County of San Joaquin will result in traffic volumes in excess of capacity on a regional system of highways, interchanges, and local roadways; and,

WHEREAS, the Participating Agencies and SJCOG find that failure to expand the capacity of the existing circulation system will cause unacceptable levels of congestion on the Regional Transportation Network; and,

WHEREAS, the Participating Agencies and SJCOG find that existing and future sources of revenue are inadequate to fund substantial portions of the Regional Transportation Network improvements needed to avoid unacceptable levels of congestion and related adverse impacts; and,

WHEREAS, SJCOG, following extensive analysis and consultations with the Participating Agencies and other stakeholders, has prepared a Regional Transportation Impact Program Fee Technical Report ("RTIF Technical Report") that establishes a nexus between new development and its impacts (increased travel demand, reductions in service levels, and the need for capital improvements) upon the Regional Transportation Network; and,

WHEREAS, the Participating Agencies and SJCOG find and declare that the RTIF Technical Report has determined the extent to which new development of land will generate traffic volumes impacting the Regional Transportation Network and have determined that the Regional Transportation Impact Fee Program ("RTIF Program") establishes a fair and equitable method to fund costs of transportation improvements necessary to accommodate the traffic volumes generated by future development of land within each City and the County; and,

WHEREAS, the Participating Agencies and SJCOG find and declare that the RTIF Program is necessary to help mitigate the impact of new development on the Regional Transportation Network and along with other transportation funding mechanisms, in providing for the construction of improvements to accommodate traffic generated by land development; and,

WHEREAS, the Participating Agencies and SJCOG have determined that it is in their best interest to join together to administer the funds provided by the RTIF Program and to authorize SJCOG to manage the RTIF Program for the San Joaquin County region; and,

WHEREAS, the Participating Agencies and SJCOG find and declare that in order to serve the purposes described herein, additional funding, other than that received from the RTIF Program is necessary and must be obtained and each party agrees to cooperate in obtaining additional funding; and,

WHEREAS, the Participating Agencies and SJCOG find and declare SJCOG prepared, adopted and certified in July 2004 a Final Program Environmental Impact Report ("EIR") for the 2004 Regional Transportation Plan, State Clearing House number 2003082053, and the RTIF Program is hereby adopted in reliance on and consistent with this previously prepared, approved and certified EIR.

WHEREAS, the Participating Agencies have adopted or will adopt a Regional Transportation Impact Program Fee ("RTIF Program Fee" or "RTIF Fee") pursuant to their authority to protect the public health, safety, and welfare consistent with the provisions of California Government Code Section 66000 et seq.; and,

WHEREAS, the integrity and success of the RTIF Program is dependent upon all Participating Agencies and SJCOG working cooperatively with each other in order to fulfill their obligations faithfully and promptly; and,

WHEREAS, funds collected pursuant to the Participating Agencies' ordinances and/or resolutions adopting the RTIF Program are to be held and expended by the Participating Agencies and SJCOG as specified herein.

AGREEMENT

Now, therefore, in consideration of the mutual promises and undertakings herein made and the mutual benefits to be derived therefrom, the parties hereto represent, covenant and agree as follows:

SECTION 1. PURPOSE

1.1. The RTIF Program requires management procedures that assure that the objective of the RTIF Program is achieved. Specifically, the RTIF Program objective is to obtain funding from development projects that have an impact upon the Regional Transportation Network and to integrate these funds with federal, State, and other local funding to fund transportation improvements identified in the RTIF Program. While the RTIF Program and the RTIF Program

Fee will be imposed and collected by the Participating Agencies, the RTIF Program will be managed for the benefit of the entire County region.

1.2. This Agreement defines the terms of the required management procedures for Participating Agencies and SJCOG including specifications regarding levy and collection, administration, project selection, fund management, appropriation of fee funds, and ongoing technical review and updating.

SECTION 2. DEFINITIONS

2.1. "Development Project" or "Project" means any project undertaken for the purpose of development including the issuance of a permit for construction or reconstruction, but not a permit to operate.

2.2. "Industrial Project" means any Development Project that proposes manufacturing, transportation, logistics or warehousing as identified in the RTIF Land Use Fee Category Summary which is attached as Exhibit "A" hereto and incorporated herein by reference.

2.3. "Measure K" means the San Joaquin County Transportation Authority Local Transportation Improvement Plan: Air Quality, Mandatory Developer Fees and Growth Management Ordinance which establishes and implements a retail transactions and use tax, as may be extended from time to time.

2.4. "Multi-Family Residential Unit" means a Development Project that uses a single parcel for two or more dwelling units within one or more buildings, including duplexes, townhouses, condominiums, and apartments as identified in the RTIF Land Use Fee Category Summary which is attached as Exhibit "A" hereto and incorporated herein by reference.

2.5. "Office Project" means any Development Project that involves business activities associated with professional or administrative services, and typically consists of corporate offices, financial institutions, legal and medical offices, personal and laundry services, or similar uses, and religious centers as identified in the RTIF Land Use Fee Category Summary which is attached as Exhibit "A" hereto and incorporated herein by reference.

2.6. "Participating Agencies" means the County of San Joaquin and each of the cities situated in San Joaquin County if such agencies have (1) adopted the RTIF Program Fee by ordinance and/or resolution and (2) entered into this Agreement.

2.7. "Regional Transportation Impact Fee Program" or "RTIF Program" is the regional program established by this Agreement by the Participating Agencies and SJCOG to impose, collect and distribute a RTIF Fee to assist in the funding of transportation improvements to the Regional Transportation Network.

2.8. "Regional Transportation Impact Program Fee" or "RTIF Program Fee" or "RTIF Fee" means the fee established by each Participating Agency consistent with this Agreement to implement the RTIF Program.

2.9. "Regional Transportation Network" means the regional network of highways and arterials as identified in the RTIF Technical Report and which may be amended from time to time by SJCOG.

2.10. "RTIF Capital Projects" or "Capital Projects" or "RTIF Project List" is the RTIF Program improvements and projects as identified in the RTIF Technical Report and which may be amended from time to time by SJCOG's adoption and amendment of a "RTIF Capital Projects Report."

2.11. "RTIF Capital Projects Report" means the report adopted by SJCOG annually which identifies the RTIF Capital Projects as amended from time to time consistent with Section 9 of this Agreement.

2.12. "RTIF Technical Report" means the San Joaquin County Regional Transportation Impact Fee RTIF Technical Report dated XXXXX, and prepared pursuant to California Government Code, Section 66000 et seq., the Mitigation Fee Act.

2.13. "Residential Dwelling Unit" means a building or portion thereof which is designed primarily for residential occupancy by one family including single-family and multi-family dwellings. "Residential Dwelling Unit" shall not include hotels or motels.

2.14. "Retail Project" means any Development Project that retailing merchandise, generally without transformation, and rendering services incidental to the sale of merchandise at a fixed point of sale as identified in the RTIF Land Use Fee Category Summary which is attached as Exhibit "A" hereto and incorporated herein by reference.

2.15. "Single-Family Residential Unit" means the use of a parcel for only one residential dwelling unit as identified in the RTIF Land Use Fee Category Summary which is attached as Exhibit "A" hereto and incorporated herein by reference.

SECTION 3. FEE RATE

3.1. Establishing RTIF Program Fee. Within ninety (90) days of entering into this Agreement, each Participating Agency shall adopt a RTIF Program Fee in an amount equal to the following fees for each identified land use category consistent with the fee schedule adopted by the SJCOG on October 27, 2005.

RESIDENTIAL		NON - RESIDENTIAL		
Single Family	Multi-Family	Retail	Office	Industrial
\$2,500.00	\$1,500.00	\$1.00	\$1.25	\$0.75
DUE	DUE	Square Foot	Square Foot	Square Foot

3.2. Annual Adjustment. The RTIF Program Fee described in section 3.1 above shall be automatically adjusted by each Participating Agency on an annual basis at the beginning of each fiscal year (July 1) based on the Engineering News Record California Construction Cost Index.

SECTION 4. COLLECTION OF RTIF PROGRAM FEES

4.1. Payment of RTIF Program Fees. Payment of the RTIF Program Fees shall be as follows:

- (a). The RTIF Program Fees shall be paid at the time of issuance of a building permit for the Development Project, or as otherwise required or permitted pursuant to Government Code section 66007.
- (b). The amount of the RTIF Program Fees shall be the fee amounts in effect at the time of payment.
- (c). RTIF Program Fees shall not be waived.

4.2. Payment by all Development Projects. Except as otherwise expressly provided by this Agreement, the RTIF Program Fee imposed by all Participating Agencies shall be payable by (1) all Development Projects within the jurisdiction of the Participating Agency for which building permits or other entitlements for Development Projects are issued on or after the effective date of the adoption of the RTIF Program Fee by the Participating Agency, and (2) all Development Projects within the Participating Agency for which building permits or other entitlements for Development Projects were issued prior to the effective date of the adoption of the RTIF Program Fee by the Participating Agency and which permits or entitlements were issued subject to a condition requiring the developer to pay a RTIF Program Fee to be imposed upon such Development Project within the jurisdiction of the Participating Agency.

4.3. Exemptions from the RTIF Program Fee. The following Development Projects shall not be subject to the RTIF Program Fee:

- (a). The rehabilitation and/or reconstruction of any legal, residential structure and/or the replacement of a previously existing legal dwelling unit, including an expansion of an existing dwelling unit that does not create an additional dwelling unit.
- (b). The rehabilitation and/or reconstruction of any non-residential structure where there is no net increase in square footage. Any increase in square footage shall pay the established applicable fee rate for that portion of square footage that is new.
- (c). Development Projects for which an application for a vesting tentative map authorized by Government Code Section 66498.1 was deemed complete on or prior to the effective date of the adoption of the RTIF Program Fee by the Participating Agency.
- (d). Development Projects which are the subject of a development agreement entered into pursuant to Government Code section 65864 et seq. prior to the effective date of the adoption of the RTIF Program Fee by the Participating Agency, wherein the imposition of new fees are expressly prohibited by the development agreement, provided, however, that if the term of such a development agreement is extended after the effective date of the adoption of the RTIF Program Fee, the RTIF Program Fee shall be imposed.

4.4. Future Development Agreements. All future development agreements entered into by the Participating Agencies shall require the full payment of the RTIF Program Fee.

4.5. Payments for non-residential projects. For non-residential projects the amount of the fee imposed on the entire Development Project shall be determined based upon (1) the gross floor area and (2) the predominant use of the building or structure as identified in the building permit.

4.6. Payment for mixed use projects. For mixed land use projects, which are projects that have both residential and non-residential uses, the amount of the fee imposed on the entire Development Project shall be proportionally determined based on the following:

- (a) The fee associated with the type of residence; and,
- (b) The predominant use of the non-residential portion of the project.

4.7. Previously Paid RTIF Program Fees. In the event that RTIF Program Fees have previously been paid for an existing building which is a new Development Project with a new or different RTIF Fee category, the previously paid RTIF Program Fees for that existing building shall be credited against the amount of the RTIF Program Fee attributable to the new Development Project, up to the amount of the previously paid RTIF Program Fee. A rebate will not be granted if the change in land use represents a lower fee.

SECTION 5. DISTRIBUTION OF RTIF PROGRAM FEES

5.1. Purpose of RTIF Program Fees. Except as otherwise provided in this Agreement, all RTIF Program Fees received by each Participating Agency or SJCOG shall be used solely for the purpose of funding Regional Transportation Network projects as specified in the RTIF Technical Report and which are included within the RTIF Capital Projects Report. Each Participating Agency and SJCOG may spend RTIF Program Fees held by that entity on RTIF Capital Projects at the discretion of that entity.

5.2. Distribution of Fee Revenue. All fees collected by each Participating Agency pursuant to the RTIF Program Fee shall be distributed as follows:

- (a). Ten (10) percent of the amounts collected by the Cities shall be paid directly to the County on a quarterly basis for the purpose of funding RTIF Capital Projects within the County of San Joaquin.
- (b). Ten (10) percent of the amounts collected by each Participating Agency shall be paid directly to SJCOG on a quarterly basis for the purposes of funding state highway improvements on the RTIF Project List.
- (c). Five (5) percent of the amounts collected by each Participating Agency shall be paid directly to SJCOG on a quarterly basis for the purposes of funding transit improvements on the RTIF Project List.
- (d). Seventy Five (75) percent of the amounts collected by each city shall be retained by each city collecting such funds for the purposes of funding RTIF Capital Projects, and Eighty Five (85) percent of the amounts collected by the County shall be retained by the County for the purposes of funding RTIF Capital Projects. In the event a

Participating Agency determines it does not want to retain or manage this portion of the RTIF Program Fees, the Participating Agency may provide this portion of the RTIF Program Fees to SJCOG for administration to assist with the construction of Capital Projects on behalf of the Participating Agency.

SECTION 6. ADMINISTRATIVE COSTS

6.1. Participating Agency Administrative Costs. The amount of RTIF Program Fee funds that are permitted to be used by each Participating Agency to cover ongoing administrative costs of implementing the RTIF Program shall be limited to up to two (2) percent of the first one million dollars (\$1,000,000) retained each year by each City pursuant to subdivision (d) of section 5.2 of this agreement or received each year by the County pursuant to subdivisions (a) and (d) of section 5.2 of this Agreement. In addition, each Participating Agency may use up to one (1) percent of the amounts retained or received each year in excess of the initial one million dollars (\$1,000,000).

6.2. SJCOG Administrative Costs. The amount of RTIF Program Fee funds permitted to be used by SJCOG to cover ongoing administrative costs of implementing the RTIF Program shall be limited to up to two percent (2%) of the first one million dollars (\$1,000,000) received each year by SJCOG pursuant to subdivision (b) and (c) of section 5.2 of this agreement and up to one percent (1%) of the amounts received each year in excess of the initial one million dollars (\$1,000,000).

6.3. Initial Third Party Costs. Each Participating Agency and SJCOG shall be responsible for paying third party costs incurred by SJCOG to establish the RTIF Program, including, but not limited to, the preparation of the RTIF Technical Report, the Capital Projects Report, and the RTIF Program documents. The amount of third party costs each Participating Agency and SJCOG shall pay is to be based on the percentage of the total County-wide RTIF Program Fees retained by each Participating Agency and SJCOG pursuant to section 5.2 of this Agreement. The amount payable to SJCOG by each Participating Agency and SJCOG shall be calculated by SJCOG based on actual RTIF Program Fees collected by each Participating Agency and SJCOG six (6) months from the Effective Date of this Agreement. The payments to SJCOG pursuant to this section 6.3 shall be made within one (1) year of the Effective Date of this Agreement. Payments for the initial third party costs shall not be considered administrative costs and shall not be subject to the limitations provided in sections 6.1 and 6.2 of this Agreement.

6.4. On-going Third Party Costs. On-going third party costs approved by the SJCOG Board of Directors to regionally implement the RTIF Program will be paid to SJCOG by each Participating Agency and SJCOG on a semiannual basis. The amount of on-going third party costs each Participating Agency and SJCOG shall pay is based on percentage of the total County-wide RTIF Program Fees retained by each Participating Agency and SJCOG pursuant to section 5.2 of this Agreement. These payments for the on-going third party costs shall not be considered administrative costs and shall not be subject to the limitations provided in sections 6.1 and 6.2 of this Agreement.

6.5. Legal Challenges. In the event that any Participating Agency and/or SJCOG is subject to a legal challenge of the RTIF Program then all Participating Agencies and SJCOG will be responsible for the costs associated with such legal challenge. At the time of such legal challenge the Participating Agencies and SJCOG will coordinate the defense of such legal challenge and the costs incurred for such legal challenge will be the responsibility of the Participating Agencies and SJCOG based on percentage of the total County-wide RTIF Program Fees retained by each Participating Agency and SJCOG pursuant to section 5.2 of this Agreement. For the purposes of this section 6.5, a legal challenge of the RTIF Program is limited to a challenge to either (a) the legal ability to adopt or impose the RTIF Program; or (b) the validity of the RTIF Technical Report. This section 6.5. will not apply to any legal challenge due to the manner of implementation of the RTIF Program that is either unique to a Participating Agency or that is not consistent with the provisions of this Agreement.

SECTION 7. ADMINISTRATION OF THE RTIF PROGRAM

7.1. RTIF Account or RTIF Funds. All fees collected pursuant to the RTIF Program Fee by each Participating Agency shall be deposited in a RTIF account or RTIF fund and shall not be commingled with other funds of the Participating Agency. The contents of this RTIF fund shall be designated solely for the purpose of contributing to the financing of the RTIF Capital Projects included in the RTIF Capital Projects Report and for the funding of incidental administrative costs. Any interest income earned on the RTIF fund shall also be deposited therein and shall only be expended for the purposes as set forth in this Agreement.

7.2. Prohibition on Interfund Transfers or Loans. Notwithstanding subsection (b)(1)(G) of section 66006 of the Government Code there shall be no interfund transfer, grant or loan of the RTIF Program Fees or RTIF fund or RTIF account to other accounts, funds, programs or fees. However, a Participating Agency may provide loans, grants or transfers of RTIF Program Fees to other Participating Agencies or SJCOG provided that such funds are consistent with the RTIF Program and used for the development or construction of RTIF Capital Projects.

7.3. Reporting Requirements. Each Participating Agency and SJCOG shall prepare and deliver to the Executive Director of SJCOG semiannual reports by February 28 and August 31 of each year of the status of the RTIF Program and RTIF Program Fees collected by that Participating Agency or received by SJCOG. These reports, which will be reviewed by the SJCOG Board of Directors, shall specify the amount of RTIF Program Fee revenue collected and the corresponding fee generating activity, including, such information as the types of permits issued by land use category, developer credits and reimbursements granted, RTIF Program revenue applied to RTIF Capital Projects, and the status of RTIF Program fees forwarded to the County and SJCOG by the Cities.

7.4. Annual Reports. Each Participating Agency shall prepare an annual report consistent with the requirements of the Fee Mitigation Act (Gov. Code §§ 66000 et seq.) regarding the RTIF Program Fees and submit that report to the Executive Director of SJCOG by November 15 of each year that RTIF Program Fee funds are held by the Participating Agency. For purposes of preparing the annual reports to satisfy the requirements of the Fee Mitigation Act, SJCOG and the County shall coordinate with and provide to each Participating Agency in a timely manner, and no later than October 15 of each year, all necessary information regarding

the RTIF Program funds held by SJCOG and the County that were distributed to the County and SJCOG from the Participating Agencies pursuant to section 5.2 of this Agreement.

7.5. Annual Audit. The RTIF Program financial activity for each Participating Agency and SJCOG shall be reviewed annually by March 31 of each year by an independent certified public accountant selected and retained by SJCOG.

7.6. RTIF Program Administrator. SJCOG is the monitor of the RTIF Program and will monitor all fee revenue generated pursuant to the RTIF Program as reported by all Participating Agencies. SJCOG shall prepare an annual report in coordination with each Participating Agency at the end of each fiscal year, which will be reviewed by the SJCOG Board of Directors.

SECTION 8. PERIODIC REVIEW OF RTIF PROGRAM FEES

8.1. Except as otherwise provided in Section 3.2 of this Agreement, the RTIF Program Fee shall not be adjusted during the first five years following the Effective Date of this Agreement. Thereafter, the RTIF Program Fee shall be evaluated, and adjusted accordingly, by all Participating Agencies and SJCOG every five (5) years to reflect the projected revenues generated or any other local or new funding sources, and to reflect changes in actual and estimated costs of the RTIF Capital Projects including, but not limited to, debt service, lease payments and construction costs. This evaluation shall include the report required by the Fee Mitigation Act (Gov. Code §§ 66000 et seq.) which includes, but is not limited to, all of the following information:

- (a). Identifies the purpose (project need) to which the fee is to be put;
- (b). Demonstrates a reasonable relationship between the fee and the purpose for which it is charged;
- (c). Identifies all sources and amounts of funding anticipated to complete financing in incomplete improvements;
- (d). Commits RTIF Program funds to RTIF Capital Project(s) and indicates that such funds are expended or reimbursed within the time periods established by the Fee Mitigation Act requirements; and,
- (e). Identifies the RTIF Capital Projects to be constructed, the estimated costs of the RTIF Capital Projects, the costs to be funded by the RTIF Program Fee revenue, and the availability or lack thereof of other funds with which to construct the Regional Transportation Network.

8.2. If the periodic reports prepared pursuant to section 8.1 above demonstrates a need, the Participating Agencies, in coordination with SJCOG, may consider modifying the RTIF Program Fee amount to insure that it is a fair and equitable method of distributing the costs of the improvements necessary to accommodate traffic volumes generated by future growth.

8.3. SJCOG and the County shall coordinate with each Participating Agency in the preparation of the periodic reports required by Section 8.1 of this Agreement and the Fee

Mitigation Act, and provide any and all information and/or commitments necessary regarding RTIF Program fees distributed to SJCOG and the County from the Cities. In the event RTIF Program fees must be refunded pursuant to section 66001 of the Government Code, SJCOG and the County will provide to each City for refund any proportional share of RTIF Funds that must be refunded that were distributed to SJCOG and/or the County by each City.

SECTION 9. SJCOG CAPITAL PROJECTS SELECTION.

9.1. RTIF Capital Projects Report. SJCOG will be responsible for establishing and maintaining the RTIF Project List. From time to time, at the request of a Participating Agency, and at least annually, SJCOG shall review the RTIF Capital Projects Report to add, modify, or remove RTIF Capital Projects. Each Participating Agency will have the opportunity to suggest changes to the Capital Projects within the RTIF Program at this time. SJCOG will make any and all changes to the Capital Projects Report annually taking into consideration the comments received from each Participating Agency consistent with the screening criteria contained within the RTIF Technical Report.

9.2. Project Inclusion Criteria. The technical basis of the RTIF Program is a list of road improvement projects identified as Capital Projects within the Regional Transportation Network which are eligible and appropriate for funding from the RTIF Program. The inclusion criteria used to select the RTIF Capital Projects are as set forth in the RTIF Technical Report. It is the application of these criteria that assure adherence to the required nexus principles. Modification to the inclusion criteria will require approval by resolution of all Participating Agencies and an update of the RTIF Technical Report.

9.3. Selection of New Capital Projects. Any new projects recommended for listing as a RTIF Capital Project must be modeled and screened consistent with the requirements of the Mitigation Fee Act (Gov. Code §§ 66000 et seq.) criteria for establishing a rational nexus. In addition, new projects added to the RTIF Project List must meet all of the following criteria:

9.3.1. Highway, Interchange, and Regional Roadway Improvements

- (a) The project is on the adopted Regional Transportation Network;
- (b) The project is scheduled for delivery within the time frame evaluated in the RTIF Technical Report; and,
- (c) The project involves a capacity improvement of one or more through travel or passing lanes, or auxiliary lanes (i.e. turn lanes). This criterion shall not be applied to interchange improvement projects.

9.3.2. Public Transit Improvements

- (a) The project is scheduled for delivery within the time frame evaluated in the RTIF Technical Report; and,
- (b) The project involves an improvement to an existing or a new service/facility which connects at least two (2) or more cities or regions.

9.4. Inclusion in Regional Transportation Plan. Prior to receiving any RTIF Program Fee revenue a project must be identified in the SJCOG Board approved Regional Transportation Plan (RTP) and the RTIF Project List.

9.5. RTIF Project Management. Each City is responsible for managing and delivering RTIF interchange and regional roadway projects located within its incorporated boundaries, except as otherwise specifically agreed to by such city. The County is responsible for managing and delivering RTIF Projects located within the unincorporated area of the county, except as otherwise specifically agreed to by the County.

SECTION 10. CREDITS AND REIMBURSEMENTS

10.1. Reimbursements and Credits. In the event that RTIF Capital Projects are constructed by a developer in excess of the Development Project's RTIF Program Fee obligation or in lieu of payment of RTIF Program Fees by a developer pursuant to an agreement between the developer and the Participating Agency, the developer may be reimbursed or credited for future application for any costs based on the actual costs of construction of the RTIF Capital Project incurred by the developer in excess of the amount the RTIF Program Fees that apply to the Development Project. Reimbursements shall be enacted pursuant to an agreement between the developer and the Participating Agency contingent on payment of funds when available for reimbursement to the developer. In all cases, however, reimbursements to developers pursuant to any agreement must be consistent with construction of the transportation improvements as scheduled in the RTIF Capital Projects Report.

SECTION 11. EXISTING REGIONAL TRANSPORTATION FEES

11.1. Each Participating Agency shall evaluate and adjust, if necessary, its existing local fee program(s), if any, associated with regional traffic impacts to determine continued compliance with the Fee Mitigation Act due to the adoption of the RTIF Program.

SECTION 12. WITHDRAWAL

12.1. For reasons pertaining to the lack of direct benefit, a Participating Agency may elect to withdraw from the RTIF Program upon providing one year written notice to SJCOG and each Participating Agency. If the Participating Agency has accrued RTIF Program Fee revenue, all funds plus interest earned shall be expended on RTIF Capital Projects by the Participating Agency or by any Participating Agency or SJCOG.

SECTION 13. MISCELLANEOUS

13.1. Effective Date. This Agreement shall be effective and all Participating Agencies and SJCOG shall be authorized to proceed under this Operating Agreement at the date in which this Agreement has been executed by the San Joaquin County Board of Supervisors, the City Councils of each of the Cities, and SJCOG.

13.2. Partial Invalidity. If any one or more of the terms or provisions of this Agreement shall be adjudged invalid, unenforceable, void or voidable by a court of competent jurisdiction,

each and all of the remaining terms and provisions of this Agreement shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

13.3. Amendments. Any amendments to this Agreement shall be made by the SJCOG and all Participating Agencies.

13.4. Enforcement. It shall be the responsibility of the Participating Agencies and SJCOG to adopt, implement, and maintain the RTIF Program consistent with the terms of this Agreement.

13.5. Execution. The Board of Supervisors of the County of San Joaquin, the City Councils of the Cities, and the Board of Directors of SJCOG have each authorized execution of this Agreement as evidence by the authorized signatures below.

13.6. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument.

<u>PARTY</u>		<u>DATE OF APPROVAL</u>
Board of Supervisors, County of San Joaquin		
By		
Chair		Date
Attest:		
Clerk of the Board		
City Council, City of Escalon		
By		
Mayor		Date
Attest:		
City Clerk		

City Council, City of Lathrop		
By		
Mayor		Date
Attest:		
City Clerk		
City Council, City of Lodi		
By		
Mayor		Date
Attest:		
City Clerk		
City Council, City of Manteca		
By		
Mayor		Date
Attest:		
City Clerk		
City Council, City of Ripon		
By		
Mayor		Date
Attest:		
City Clerk		

City Council, City of Stockton		
By		
Mayor		Date
Attest:		
City Clerk		
City Council, City of Tracy		
By		
Mayor		Date
Attest:		
City Clerk		
San Joaquin Council of Governments		
By		
Board Chair		Date
Attest:		
Interim Executive Director		

EXHIBIT A

RTIF LAND USE FEE CATEGORY SUMMARY

RESIDENTIAL

Single-Family Dwelling

A single family dwelling is defined as a residence designed for or occupied exclusively as a residence for one family; including a vacation home or seasonal dwelling and is located on one parcel.

Multi-Family Dwelling

Multi-family dwellings are defined as single structures designed for and/or constructed to contain two (2) or more dwelling units which share common walls (i.e., rowhouse, townhouse, duplex, triplex, quadraplex, condominium, apartment complex). When an existing single-family dwelling is converted into two (2) or more dwellings, it will be reclassified and subject to the multi-family dwelling regional fee. As a planned development containing two (2) or more residences, mobile homes parks are considered multi-family dwellings. A "commercial apartment" dwelling located within a commercial building is classified as a multi-family dwelling.

NON-RESIDENTIAL

Relationship of businesses to RTIF non-residential land use categories are based on the North American Industry Classification System (NAICS)

Retail

Sector comprises establishments engaged in retailing merchandise, generally without transformation and rendering services incidental to the sale of merchandise—fixed point of sale location. NAICS Sectors 44 & 45 represents the retail industry. Examples of retail businesses include:

- Garden material and garden supply dealers
- Food and beverage stores (i.e., grocery stores, specialty food stores, beer/wine/liquor stores)
- Health and personal care stores
- Gasoline stations
- Motor vehicle and parts dealers
- Furniture and home furnishing stores
- Electronics and appliance stores
- Clothing and clothing accessories stores

- Sporting goods, hobby, book and music stores
- General merchandise stores
- Miscellaneous store retailers
- Non-store retailers such as electronic shopping and mail-order houses, direct selling establishments

Office/Service

Sector comprises finance, insurance, real estate professional, scientific and technical services, research and development, administrative & support services, education, health care and social assistance and other such as repair & maintenance, personal & laundry, and religious centers, including churches. NAICS Sectors 51 – 72, 81 & 92 represents the office industry. Examples of office related businesses include:

- Publishing industries, except Internet
- Motion picture and sound recording industries
- Broadcasting, except Internet
- Internet publishing and broadcasting
- Telecommunications
- Internet Service Providers, search portals, and data processing
- Other information services such as libraries and archives, news syndicates
- Monetary authorities such as banks, credit unions, credit card issuing services, sales financing, mortgage and non-mortgage loan brokers
- Securities, commodity contracts, investments
- Insurance carriers and related activities
- Funds, trusts, and other financial vehicles
- Real estate
- Rental and leasing activities
- Lessors of non-financial intangible assets
- Professional and technical services such as legal, accounting, engineering, design, consulting, research and development, advertising services
- Management of companies and enterprises
- Administrative and support services such as employment, business support (i.e., call centers, collection agencies), travel arrangement and reservation services, services to buildings and dwellings (i.e., janitorial, landscaping, pest control, carpet cleaning)
- Waste management and remediation services
- Educational services
- Health care and social assistance
- Hospitals
- Nursing and residential care facilities
- Social assistance (i.e., child/youth services, services for the elderly and persons with disabilities, shelters, food banks, vocational rehabilitation services, day care)
- Art, entertainment, and recreation
- Museums, historical sites, zoos, and parks
- Amusements, gambling, and recreation

- Accommodation and food services (i.e., traveler accommodations such as hotels and motels, bed-and breakfast inns, RV parks, rooming and boarding houses)
- Food services and drinking places (i.e., caterers, mobile food services, drinking places of alcoholic beverages, and full service restaurants)

Industrial

RTIF land use category of industrial includes **Manufacturing** establishments engaged in the mechanical, physical, or chemical transformation of components into products to include construction engaged in buildings and other structures. The industrial land use category also includes **Transportation, Logistics, and Warehousing** establishments engaged in wholesaling merchandise, generally without transformation and rendering services incidental to the sale of merchandise including industries providing transportation of passengers and cargo, warehousing and storage of goods, scenic and sightseeing transportation. The NAICS Sectors 21, 22, 23, 31 through 33, 42, 48 & 49 represents the industrial land use category. Examples of industrial related businesses include:

- Mining
- Support activities for mining
- Utilities (i.e., power generation and supply, natural gas distribution, water treatment plants)
- Construction of buildings
- Heavy and civil engineering construction
- Specialty trade contractors such as roofing, sheet rock, framing contractors
- Building and equipment contractors
- Building finishing contractors
- Other specialty trades such as residential and non-residential site preparations
- Food manufacturing (i.e., animal, flour, rice, breakfast cereal, dairy products, bakeries, nuts)
- Beverage and tobacco product manufacturing
- Textile and textile product mills
- Apparel manufacturing
- Leather and applied product manufacturing
- Wood product manufacturing
- Paper Manufacturing
- Printing and related support activities
- Petroleum and coal products manufacturing
- Chemical manufacturing
- Plastics and rubber products manufacturing
- Nonmetallic mineral product manufacturing (i.e., glass, cement & concrete, clay, lime/gypsum)
- Primary metal manufacturing
- Fabricated metal product manufacturing
- Machinery manufacturing
- Computer and electronic product manufacturing

- Electrical equipment and appliance manufacturing
- Transportation equipment manufacturing
- Furniture and related product manufacturing
- Miscellaneous manufacturing (i.e., medical equipment, jewelry, sporting goods, signage)
- Merchant wholesalers of durable and non-durable goods (i.e., motor vehicles and parts, furniture, lumber, paper, clothing, petroleum bulk stations and terminals)
- Electronic markets and agents and brokers
- Air, rail, water, truck, pipeline, scenic/sight seeing transportation
- Transit and ground passenger transportation
- Support activities for transportation
- Postal services
- Couriers and messengers
- Warehousing and storage

ORDINANCE NO. 1767

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING TITLE 15, "BUILDINGS AND CONSTRUCTION," OF THE
LODI MUNICIPAL CODE BY ADDING CHAPTER 15.65 RELATING TO
THE ESTABLISHMENT OF THE SAN JOAQUIN COUNTY REGIONAL
TRANSPORTATION IMPACT FEE PROGRAM

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Title 15, "Buildings and Construction," of the Lodi Municipal Code is hereby amended by adding thereto Chapter 15.65 relating to the establishment of the San Joaquin County Regional Transportation Impact Fee Program and shall read as follows:

CHAPTER 15.65

SAN JOAQUIN COUNTY REGIONAL TRANSPORTATION IMPACT FEE

SECTIONS:

- 15.65.010 Purpose, Findings, and Declaration of Intent
- 15.65.020 Definitions
- 15.65.030 Authority for Adoption
- 15.65.040 Collection of RTIF Program Fees
- 15.65.050 Fee Rate and Calculation
- 15.65.060 Administration of the RTIF Program
- 15.65.070 Existing City of Lodi Development Impact Mitigation Fee Program

- 15.65.010 Purpose, Findings, and Declaration of Intent

- A. In order to implement the goals and objectives of the general plan and to mitigate impacts caused by new development with the County of San Joaquin, a Regional Transportation Impact Fee Program is necessary. The program is needed to finance regional-serving transportation and transit improvements.
- B. Substantial population and employment growth is expected in San Joaquin County through 2025 and beyond. This growth will cause impacts on the Regional Transportation Network ("Regional Transportation Network" or "RTIF Network") including increased congestion and related impacts unless substantial improvements are completed. The Regional Transportation Impact Fee Program ("RTIF Program") is intended to impose a fee to provide funding for transportation and transit improvements that help mitigate these impacts.
- C. New development throughout the County will be subject to the fee which will be proportional to the impact caused on the Regional Transportation Network by such new development.
- D. The funding derived from the RTIF Program shall be used in combination with other funding available to complete the needed transportation and transit improvements. In the absence of an RTIF Program, existing funding sources, including federal, State, and local sources, will be inadequate to construct the Regional Transportation Network required to avoid the unacceptable levels of traffic congestion and related adverse impacts.

15.65.020 Definitions

- A. "Development Project" or "Project" means any project undertaken for the purpose of development including the issuance of a permit for construction or reconstruction, but not a permit to operate.
- B. "Industrial Project" means any Development Project that proposes manufacturing, transportation, logistics, or warehousing as identified in the RTIF Land Use Fee Category Summary.
- C. "Measure K" means the San Joaquin County Transportation Authority Local Transportation Improvement Plan: Air Quality, Mandatory Developer Fees and Growth Management Ordinance, which establishes and implements a retail transactions and use tax, as may be extended from time to time.
- D. "Multi-Family Residential Unit" means a Development Project that uses a single parcel for two or more dwelling units within one or more buildings, including duplexes, townhouses, condominiums, and apartments as identified in the RTIF Land Use Fee Category Summary.
- E. "Office Project" means any Development Project that involves business activities associated with professional or administrative services, and typically consists of corporate offices, financial institutions, legal and medical offices, personal and laundry services, or similar uses, and religious centers as identified in the RTIF Land Use Fee Category Summary.
- F. "Participating Agencies" means the County of San Joaquin and each of the cities situated in San Joaquin County if such agencies have (1) adopted the RTIF Program Fee by ordinance and/or resolution and (2) entered into the Operating Agreement.
- G. "Regional Transportation Impact Fee Program" or "RTIF Program" is the regional program established by the Operating Agreement by the Participating Agencies and SJCOG to impose, collect, and distribute a RTIF Program Fee to assist in the funding of transportation improvements to the Regional Transportation Network.
- H. "Regional Transportation Impact Program Fee" or "RTIF Program Fee" or "RTIF Fee" means the fee established by each Participating Agency consistent with the RTIF Program and the Operating Agreement.
- I. "Regional Transportation Network" means the regional network of highways and arterials as identified in the RTIF Technical Report and which may be amended from time to time by SJCOG.
- J. "RTIF Capital Projects" or "Capital Projects" or "RTIF Project List" is the RTIF Program improvements and projects as identified in the RTIF Technical Report and which may be amended from time to time by SJCOG's adoption and amendment of a "RTIF Capital Projects Report."
- K. "RTIF Capital Projects Report" means the report adopted by SJCOG annually which identifies the RTIF Capital Projects as amended from time to time by SJCOG.
- L. "RTIF Operating Agreement" or "Operating Agreement" is the Regional Transportation Impact Fee Program Operating Agreement establishing the administration of the RTIF Program as adopted by each Participating Agencies and SJCOG which may be amended from time to time by the parties thereto.

- M. "RTIF Technical Report" means the San Joaquin County Regional Transportation Impact Fee RTIF Technical Report dated October 27, 2005, and prepared pursuant to California Government Code, Section 66000 et seq., the Mitigation Fee Act.
- N. "Residential Dwelling Unit" means a building or portion thereof which is designed primarily for residential occupancy by one family including single-family and multi-family dwellings. "Residential Dwelling Unit" shall not include hotels or motels.
- O. "Retail Project" means any Development Project that retailing merchandise, generally without transformation, and rendering services incidental to the sale of merchandise at a fixed point of sale as identified in the RTIF Land Use Fee Category Summary.
- P. "Single-Family Residential Unit" means the use of a parcel for only one residential dwelling unit as identified in the RTIF Land Use Fee Category Summary.

15.65.030 Authority for Adoption

This chapter is adopted under the authority of Title 7, Division 1, Chapter 5 of the California Government Code Sections 66000 et seq. (Ord. 1758 § 1 (part), 2005).

15.65.040 Collection of RTIF Program Fees

- A. Authority of the Public Works Director. The Public Works Director, or his/her designee, is hereby authorized to levy and collect the RTIF Program Fee and make all determinations required by this Ordinance.
- B. Payment of RTIF Program Fees. Payment of the RTIF Program Fees shall be as follows:
1. The RTIF Program Fees shall be paid at the time of issuance of a building permit for the Development Project, or as otherwise required or permitted pursuant to Government Code section 66007.
 2. The amount of the RTIF Program Fees shall be the fee amounts in effect at the time of payment.
 3. RTIF Program Fees shall not be waived.
- C. Payment by all Development Projects. Except as otherwise expressly provided by this Ordinance, the RTIF Program Fee required hereunder shall be payable by:
1. All Development Projects within the City for which building permits or other entitlements for Development Projects are issued on or after the effective date of this Ordinance, and
 2. All Development Projects within the City for which building permits or other entitlements for Development Projects were issued prior to the effective date of this Ordinance and which permits or entitlements were issued subject to a condition requiring the developer to pay a RTIF Program Fee to be imposed upon such Development Project within the City.

D. Exemptions from the RTIF Program Fee. The following Development Projects shall not be subject to the RTIF Program Fee:

1. The rehabilitation and/or reconstruction of any legal, residential structure and/or the replacement of a previously existing legal dwelling unit, including an expansion of an existing dwelling unit that does not create an additional dwelling unit.
2. The rehabilitation and/or reconstruction of any non-residential structure where there is no net increase in square footage. Any increase in square footage shall pay the established applicable fee rate for that portion of square footage that is new.
3. Development Projects for which an application for a vesting tentative map authorized by Government Code Section 66498.1 was deemed complete on or prior to the effective date of the introduction of this Ordinance.
4. Development Projects which are the subject of a development agreement entered into pursuant to Government Code section 65864 et seq. prior to the effective date of the adoption of this Ordinance, wherein the imposition of new fees are expressly prohibited by the development agreement, provided, however, that if the term of such a development agreement is extended after the effective date of this Ordinance, the RTIF Program Fee shall be imposed.

E. Future Development Agreements. All future development agreements entered into after the effective date of this Ordinance shall require the full payment of the RTIF Program Fee.

1. Payments for non-residential projects. For non-residential projects the amount of the fee imposed on the entire Development Project shall be determined based upon:
 - (a) The gross floor area; and
 - (b) The predominant use of the building or structure as identified in the building permit.
2. Payment for mixed use projects. For mixed land use projects, which are projects that have both residential and non-residential uses, the amount of the fee imposed on the entire Development Project shall be proportionally determined based on the following:
 - (a) The fee associated with the type of residence; and
 - (b) The predominant use of the non-residential portion of the project.

F. Previously Paid RTIF Program Fees. In the event that RTIF Program Fees have previously been paid for an existing building which is a new Development Project with a new or different RTIF Fee category, the previously paid RTIF Program Fees for that existing building shall be credited against the amount of the RTIF Program Fee attributable to the new Development Project, up to the amount of the previously paid RTIF Program Fee. A rebate will not be granted if the change in land use represents a lower fee.

G. Reimbursements and Credits. In the event that RTIF Capital Projects are constructed by a developer in excess of the Development Project's RTIF Program Fee obligation or in lieu of

payment of RTIF Program Fees by a developer pursuant to an agreement between the developer and the City, the developer may be reimbursed or credited for future application for any costs based on the actual costs of construction of the RTIF Capital Project incurred by the developer in excess of the amount the RTIF Program Fees that apply to the Development Project.

15.65.050 Fee Rate and Calculation

- A. Establishing the RTIF program fee. The amount of the RTIF program fee for development projects shall be consistent with the provisions of this ordinance and the RTIF technical report and shall be established by a resolution of the City Council.
- B. Annual adjustment. The RTIF Program Fee shall be automatically adjusted on an annual basis at the beginning of each fiscal year (July 1) based on the Engineering News Record 20 Cities Construction Cost Index.

15.65.060 Administration of the RTIF Program

- A. RTIF account or RTIF funds. All fees collected pursuant to the RTIF Program Fee shall be deposited in a RTIF account or RTIF fund and shall not be commingled with other funds. The contents of this RTIF fund shall be designated solely for the purpose of contributing to the financing of the RTIF Capital Projects included in the RTIF Capital Projects Report and for the funding of incidental administrative costs. Any interest income earned on the RTIF fund shall also be deposited therein and shall only be expended for the purposes as set forth in this Ordinance.
- B. Prohibition on Interfund Transfers or Loans. Notwithstanding subsection (b)(1)(G) of section 66006 of the Government Code there shall be no interfund transfer, grant, or loan of the RTIF Program Fees or RTIF fund or RTIF account to other City accounts, funds, programs, or fees. However, the City may provide loans, grants, or transfers of RTIF Program Fees to other Participating Agencies or SJCOG provided that such funds are consistent with the RTIF Program and used for the development or construction of RTIF Capital Projects.

15.65.070 Existing City of Lodi Development Impact Mitigation Fee Program

- A. The City of Lodi Development Impact Mitigation Fee program pursuant to Municipal Code Title 15 Chapter 15.64 shall be adjusted on any future projects that are identified in the approved RTIF Project List to ensure continued compliance with the Fee Mitigation Act (Gov. Code §§ 66000 et seq.).

Section 2 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3 - Severability. If any one or more of the terms, provisions, or sections of this Ordinance shall to any extent be judged invalid, unenforceable, and/or avoidable for any reason whatsoever by a court of competent jurisdiction, then each and all of the remaining terms, provisions, and sections of this Ordinance shall not be affected thereby and shall be valid and enforceable.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi with the names of the members voting for and against same and shall be in force and take effect 30 days from and after its passage and approval.

Approved this 4th day of January, 2006.



SUSAN HITCHCOCK
Mayor

Attest:



SUSAN J. BLACKSTON
City Clerk

State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1767 was introduced at a regular meeting of the City Council of the City of Lodi held December 21, 2005, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held January 4, 2006, by the following vote:


AYES:	COUNCIL MEMBERS – Hansen, Johnson, Mounce, and Mayor Hitchcock
NOES:	COUNCIL MEMBERS – None
ABSENT:	COUNCIL MEMBERS – None
ABSTAIN:	COUNCIL MEMBERS – Beckman

I further certify that Ordinance No. 1767 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.



SUSAN J. BLACKSTON
City Clerk

Approved as to Form:



D. STEPHEN SCHWABAUER
City Attorney

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL
ADOPTING THE SAN JOAQUIN COUNTY REGIONAL
TRANSPORTATION IMPACT FEE AND FURTHER
AUTHORIZING THE CITY MANAGER TO EXECUTE
FEE PROGRAM OPERATING AGREEMENT

=====

WHEREAS, the City Council of the City of Lodi adopted the San Joaquin County Regional Transportation Impact Fee (RTIF) Program Ordinance No. 1767 and the RTIF Technical Report on January 4, 2006.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby establish the following fees to be collected by the City of Lodi for the RTIF Program pursuant to the San Joaquin County RTIF Program Ordinance and Technical Report. The rate of the fee applicable to any particular Development Project shall be as follows:

- (a) \$2,500 for each Single-Family Residential unit
- (b) \$1,500 for each Multi-Family Residential unit
- (c) \$1.00 for each square foot of a retail project
- (d) \$1.25 for each square foot of an office project
- (e) \$0.75 for each square foot of an industrial project

BE IT FURTHER RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute the RTIF Program Operating Agreement; and

BE IT FURTHER RESOLVED that the fees shall be collected, administered, and adjusted consistent with the San Joaquin County RTIF Program Ordinance, the RTIF Technical Report, and the Regional Transportation Impact Fee Program Operating Agreement.

Dated: February 1, 2006

=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the Lodi City Council in a regular meeting held February 1, 2006, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2006-_____

PROOF OF PUBLICATION

(2015.5 C.C.C.P.)

STATE OF CALIFORNIA

County of San Joaquin

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily except Sundays and holidays, in the City of Lodi, California, County of San Joaquin, and which newspaper had been adjudicated a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953. Case Number 65990; that the notice of which the annexed is a printed copy (set in type not smaller than non-pareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereto on the following dates to-wit:

January 9th, 16th,

all in the year 2006.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 16th day of January 2006.

David R. Roesler
Signature

This space is for the County Clerk's Filing Stamp

Proof of Publication of
Special Notice of Public Hearing for February 1, 2006
for the Adoption of the San Joaquin County Regional
Transportation Fee and authorizing the City Manager to
Execute the Fee Program Operating Agreement

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Wednesday, February 1, 2006 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 306 West Pine Street, Lodi, to consider the following matter:

a) Adoption of the San Joaquin County Regional Transportation Fee and authorizing the City Manager to execute the fee program operating agreement.

Information regarding this item may be obtained in the Public Works Department, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the close of the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Susan J. Blackston
City Clerk
Dated: January 4, 2006

Approved as to form:

D. Stephen Schwabauer
City Attorney
January 9, 18, 2006 - 05317091

5511091



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: SPECIAL NOTICE OF PUBLIC HEARING FOR February 1, 2006 for the
Adoption of the San Joaquin County Regional Transportation Fee and Authorizing the City
Manager to Execute the Fee Program Operating Agreement.

LEGAL AD

PUBLISH DATE: January 9, 2006 AND January 16, 2006

TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO: SUSAN BLACKSTON, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: Thursday January 5, 2006

ORDERED BY: SUSAN J. BLACKSTON
CITY CLERK

JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK


DANA R. CHAPMAN
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS Faxed to the Sentinel at 369-1084 at 3:00 PM (time) on 1/5/06 (date) 2 (pages)
Diane Phoned to confirm receipt of all pages at 3:05 (time) JLT DRC JMP (initials)



DECLARATION OF MAILING

PUBLIC HEARING FOR February 1, 2006 for the Adoption of the San Joaquin Regional Transportation Fee and authorizing the City Manager to execute the fee program operating agreement.

On January 6, 2006, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, for the Adoption of the San Joaquin County Regional Transportation Fee and authorizing the City Manager to execute the fee program operating agreement.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.


Executed on January 6, 2006, at Lodi, California.

ORDERED BY:

SUSAN BLACKSTON
CITY CLERK, CITY OF LODI

ORDERED BY:

JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK



DANA R. CHAPMAN
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK

DELMAR BATCH
11174 N DAVIS RD
LODI CA 95242

STEVE SINNOCK
KJELDSSEN SINNOCK & NEUDECK
PO BOX 844
STOCKTON CA 95201-0844

LOWELL FLEMMER
KATZAKIAN WILLIAMS SHERMAN
777 S HAM LN STE A
LODI CA 95242

RICK CHURCHILL
PROFESSIONAL CONSTRUCTORS
5635 STRATFORD CIR STE C45
STOCKTON CA 95207

STEVE PECHIN
BAUMBACH & PIAZZA
323 W ELM ST
LODI CA 95240

A standard linear barcode consisting of vertical black bars of varying widths on a white background.

LEX CORALES
SIEGFRIED & ASSOCIATES
4045 CORONADO AVE
STOCKTON CA 95204

TOM DOUCETTE/JIM JIMISON
FRONTIERS
10100 TRINITY PKWY STE 420
STOCKTON CA 95219

KEVIN SHARRAR
BIA OF THE DELTA
509 W WEBER AVE STE 410
STOCKTON CA 95203-3167

CHUCK EASTERLING
 HESSELTINE REALTY
 222 W LOCKEFORD ST STE 3
 LODI CA 95240
 ||.||.||.||.||.||.||.||.||.||

RICHARD HANSON
CLUFF LLC
908 W TURNER RD
LODI CA 95242

JOHN COSTAMAGNA
PO BOX 131
WOODBIDGE CA 95258

KRISTMONT WEST INC
7700 COLLEGE TOWN DR STE 111
SACRAMENTO CA 95826

ANTONIO CONTI
CONTI & ASSOCIATES INC
PO BOX 1396
WOODBIDGE CA 95258

WAYNE CRAIG
SANDHILL DEVELOPMENT
2424 COCHRAN RD STE 1
LODI CA 95242



DECLARATION OF POSTING

PUBLIC HEARING FOR FEBRUARY 1, 2006 for the Adoption of the San Joaquin County Regional Transportation Fee and authorizing the City Manager to execute the fee program operating agreement.

On Friday January 6, 2006, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing for the Adoption of the San Joaquin County Regional Transportation Fee and authorizing the City Manager to execute the fee program operating agreement was posted at;

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 6, 2006, at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON
CITY CLERK**

JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK

A handwritten signature in dark ink, appearing to read "Dana R. Chapman", is written over a horizontal line.

DANA R. CHAPMAN
ADMINISTRATIVE CLERK



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: February 1, 2006

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston
City Clerk
Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, February 1, 2006** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Adoption of the San Joaquin County Regional Transportation Fee and authorizing the City Manager to execute the fee program operating agreement.

Information regarding this item may be obtained in the Public Works Department, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the close of the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

Dated: January 4, 2006

Approved as to form:

D. Stephen Schwabauer
City Attorney



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Denial of Verified Claim(s) against the City of Lodi

MEETING DATE: February 1, 2006

PREPARED BY: Risk Management

RECOMMENDED ACTION: That Council, by motion action, deny the following verified claim filed against the City of Lodi.

(A) Curtis & Rhonda Gokey

Date of Loss: December 31, 2005

BACKGROUND INFORMATION: Following review of verified claims filed against the City of Lodi, the City's contract administrator, DB Claims and Human Resources staff, recommend the City deny the subject claim(s).

FISCAL IMPACT: N/A

FUNDING AVAILABLE: None Required

Kirk Evans, Risk Manager

Attachments

cc: City Attorney
DB Claims

APPROVED: _____
Blair King, City Manager



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Post for Vacancy on the Lodi Arts Commission

MEETING DATE: February 1, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Council, by motion action, direct the City Clerk to post for the vacancy on the Lodi Arts Commission.

BACKGROUND INFORMATION: The City Clerk's Office received a letter of resignation from Arts Commissioner, Donald Rosebaugh (filed). It is, therefore, recommended that the City Council direct the City Clerk to post for the vacancy below.

Lodi Arts Commission

Donald Rosebaugh Term to expire July 1, 2006

Government Code Section 54970 et seq. requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application. The City Council is requested to direct the City Clerk to make the necessary postings.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Susan J. Blackston
City Clerk

SJB/JLT

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Appointment to the Greater Lodi Area Youth Commission

MEETING DATE: February 1, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Council, by motion action, concur with the Mayor's recommended appointment to the Greater Lodi Area Youth Commission.

BACKGROUND INFORMATION: As indicated below, the City Clerk's Office was directed to post for the vacancy on the Greater Lodi Area Youth Commission. It is recommended that the City Council concur with the following appointment.

Greater Lodi Area Youth Commission

Student Appointee:

Larissa Boyer Term to expire May 31, 2007 (*posting of vacancy ordered on 12/7/05*)

NOTE: 29 applicants (29 applications on file);
published in Lodi News-Sentinel 12/10/05;
application deadline 1/9/06

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Susan J. Blackston
City Clerk

SJB/JMP

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Appointments to the Grape Bowl Ad Hoc Committee

MEETING DATE: February 1, 2006

PREPARED BY: Parks and Recreation Director

RECOMMENDED ACTION: That Council, by motion action, concur with the recommended appointments to the Grape Bowl Ad Hoc Committee.

BACKGROUND INFORMATION: At its meeting of November 2, 2005, Council approved the Americans with Disabilities Act Transition Plan. Phase I of the Plan states the following:

“Explore the opportunities, constraints, and costs associated with upgrading the Grape Bowl. Encourage public input and community involvement in the decision process. The scope of the project should not be limited to only accessibility, but improvement based on the desired use. Interim remediation measures should be discussed in this phase. The recommended forum for these discussions is the Parks and Recreation Commission. A special ad hoc committee shall be formed to obtain community input regarding future use and improvements under the direction of the Parks and Recreation Commission. The commission shall invite representatives from Lodi Unified School District and other school-affiliated organizations to be participating members of the ad hoc committee. All committee appointees will be subject to Council approval. The commission will make a recommendation to the Council. This phase should be completed by June of 2006.”

There were a total of 15 applications received for the Grape Bowl Ad Hoc Committee. The Commission collectively agreed to limit the number of those who would be assigned to a committee seat to nine – a number thought to be effectively workable for this kind of ad hoc committee. The selection process was similar to that used for the City’s Budget/Finance Committee appointments. Each of the five Parks and Recreation Commissioners was responsible for appointing his/her one personal choice to a committee seat for a total of five. The remaining four were discussed and chosen by consensus of the Commission, bringing the total of the Ad Hoc Committee to nine. The Commission determined the applicant’s qualifications based on personal application review and discussion. Diversification of skills and interests were important in the selection process. It is recommended that the City Council concur with the following appointments.

Grape Bowl Ad Hoc Committee

Don Bricker	Bill Meehleis
Richard Dean	Russ Munson
Ed DeBenedetti	Terry Piazza
Dean Devine	Kevin Suess
Jack Fiori	

NOTE: 15 applicants; published in Lodi News-Sentinel 12/9/05; application deadline 1/9/06

FISCAL IMPACT: None

FUNDING AVAILABLE: None required

TCG/tl

Tony C. Goehring
Parks and Recreation Director

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: **REVIEW OF THE CITY'S ANNUAL FINANCIAL REPORT (FY 2004-05)
BY MACIAS, GINI & COMPANY**

MEETING DATE: February 1, 2005

PREPARED BY: Interim Finance Director

RECOMMENDED ACTION: That the City Council receives for file the following reports and financial statements submitted by Macias, Gini & Company LLP and the Finance Department for Fiscal-Year 2004-05:

- The Combined Annual Financial & Single Audit Report
- Management Report
- Report on Applying Agreed-upon Procedures

BACKGROUND INFORMATION: The annual audit was conducted to assure the City Council and other interested parties that the City's financial records and reports are prepared in accordance with generally accepted accounting principles (GAAP), that internal controls are adequate to safeguard the City against loss from unauthorized use or disposition of assets and that the City has complied with all agreements and covenants to obtain grant funds and debt financing. Macias, Gini & Company LLP ("MG") issued an "unqualified opinion." Scott Brunner, Director of MG will be present to do the presentation and answer questions during the Council meeting.

The reports will be provided to Federal and State oversight agencies, bond trustees and insurance companies for their review and evaluation. Copies of the reports are provided to the City Council and also available to the public by contacting the Finance Department or the City's website at www.lodi.gov and at the Lodi Public Library.

Certificate of Achievement

The City received a Certificate of Achievement for Excellence in Reporting from the Government Finance Officers Association of United States and Canada (GFOA) for the 11th year and the California Society of Municipal Finance Officers (CSMFO) for the ninth year in a row. A copy of the GFOA certificate is included in the 2004-05 Financial Reports.

FUNDING: None

Ruby R. Paiste, Interim Finance Director

APPROVED: _____
Blair King, City Manager



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Introduce ordinance amending Lodi Municipal Code Title 12 – Streets, Sidewalks, and Public Places, by adding Chapter 12.03, “Sidewalks” to place liability on the adjoining property owner as permitted under state law (CA)

MEETING DATE: February 1, 2006 (Carried over from meetings of 1/4/2006 and 1/18/2006)

PREPARED BY: Janice D. Magdich, Deputy City Attorney

RECOMMENDED ACTION: That the City Council introduce an Ordinance Amending Lodi Municipal Code Title 12 – Streets, Sidewalks and Public Places by adding Chapter 12.03, “Sidewalks” to place liability on the adjoining property owner as permitted under state law.

BACKGROUND INFORMATION: At the March 22, 2005 Shirtsleeve Session and the regular City Council meeting of October 5, 2005, discussion took place regarding the City’s sidewalk installation and maintenance policies.

As discussed, Streets and Highway Code section 5610 establishes a property owner’s duty to a city to maintain the abutting sidewalk in a condition that will not endanger persons or property and a duty to maintain the sidewalk in a condition that will not interfere with public use. Following state law, sidewalk maintenance in the City has always been the responsibility of the adjoining property owner, unless damage to the sidewalk is caused by City owned trees (in which case the City takes responsibility for correcting the damage).

However, the California Legislature has not specifically imposed upon property owners a duty of care to third parties regarding the condition of abutting sidewalks. Therefore, cities in California, consistent with their police power and case law, are free to adopt local ordinances creating such a duty of care. The courts have determined that these types of ordinances do not conflict with the California Tort Claims Act because they do not attempt to shift liability from the cities to the abutting property owner. And do not absolve cities from liability when cities create a dangerous condition or when cities have notice of unsafe conditions and fail to act.

Therefore, the City Attorney’s office, with the input and concurrence of the Public Works Director and the Street Superintendent, has drafted the proposed ordinance to impose upon property owners a duty of care to third parties regarding the condition of abutting sidewalks.

FUNDING: Not applicable.

FISCAL IMPACT: Expected Savings to City’s Self-Insurance Fund.

Janice D. Magdich, Deputy City Attorney

Attachments

cc: Richard Prima, Public Works Director
George Bradley, Street Superintendent

APPROVED: _____
Blair King, City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LODI AMENDING LODI MUNICIPAL CODE TITLE 12 –
STREETS, SIDEWALKS, AND PUBLIC PLACES – BY ADDING
CHAPTER 12.03, “SIDEWALKS”

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

Section 1. Lodi Municipal Code Title 12, “Streets, Sidewalks, and Public Places,” is hereby amended by adding Chapter 12.03, “Sidewalks,” to read as follows:

Chapter 12.03

SIDEWALKS

Sections:

- 12.03.010 – Definitions
- 12.03.020 – Sidewalk Maintenance and Repair
- 12.03.030 – Liability for Injury to the Public
- 12.03.040 – Civil Liability for Injuries and Indemnification
- 12.03.050 – Enforcement of this Chapter

12.03.010 – Definitions.

As used in this Chapter, the terms listed below shall have the meaning assigned them.

“Sidewalk” means that area fronting private or public property within the public right-of-way and intended for pedestrian travel, whether or not such area is improved or paved, and any parkway, driveway, curb, or gutter that was or should have been constructed in conformance with the City's specifications for such improvements.

“Defective Sidewalk” means a sidewalk where, in the judgment of the Public Works Director or his/her designee, the vertical or horizontal line or grade is altered, damaged, or displaced to an extent that a safety hazard exists or the sidewalk is in such a condition as to endanger persons or property or is in such a condition as to interfere with the public convenience and use of the sidewalk. Defective Sidewalk shall also include any condition of a public pedestrian right-of-way determined by a court of competent jurisdiction to constitute a dangerous condition of public property.

“Property Owner” means any person, partnership, corporation, or other entity, public or private, owning a lot, lots, or portion of a lot within the City of Lodi and fronting on any portion of a public street, alley, or place where sidewalk exists.

“Lot,” “lots,” or “portions of lots” means a parcel of real property located within the City of Lodi, fronting on any portion of a public street, alley, or place where a sidewalk exists.

12.03.020 – Sidewalk Maintenance and Repair.

A. The provisions of Chapter 22 of Part 3, Division 7, Street and Highways Code of the State of California (“The Improvement Act of 1911”), as is now in effect or as may be

amended, are expressly referred to and by such reference made a part of this Chapter, including all proceedings applicable to the maintenance and repair of sidewalks, and the confirming and collecting of assessments for the cost and expenses of said maintenance and repair.

B. The procedure set forth in The Improvement Act of 1911 concerning the maintenance and repair of sidewalks, is, to the extent permitted under State law, subject to revision or supplementation by policies as may from time to time be adopted by resolution of the City Council. Maintenance and repair of sidewalks shall be to specifications established by the Public Works Director or his/her designee.

12.03.030 – Liability for Injury to the Public.

Property Owner is required under this Chapter to maintain and repair the sidewalk fronting on the Property Owner's lot and shall owe a duty to members of the public to keep and maintain the sidewalk in a safe and non-dangerous condition such that it will not endanger persons or property. If, as the result of any failure of any Property Owner to maintain the sidewalk in a safe and non-dangerous condition as required under this Chapter, any person suffers injury or damage to person or property, the Property Owner shall be liable to such person for the resulting damages or injury.

12.03.040 – Civil Liability for Injuries and Indemnification.

Any Property Owner that fails to maintain the sidewalk fronting on the Property Owner's lot, lots, or portion of a lot in a safe and non-dangerous condition as required under this Chapter shall bear the sole civil liability, if any, to a person suffering personal injury or property damage caused by the Defective Sidewalk. In the event that the City is held liable in any civil action for damages for personal injury or property damages caused by a Defective Sidewalk, the City shall be entitled to full indemnity from the Property Owner.

12.03.050 – Enforcement of this Chapter.

The City Manager, through the Public Works Director, shall enforce this Chapter.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall take effect 30 days from and after its passage and approval.

Approved this ____ day of _____, 2006

SUSAN HITCHCOCK
Mayor

Attest:

SUSAN J. BLACKSTON
City Clerk

=====
State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held February 1, 2006, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 2006, by the following vote:

AYES: COUNCIL MEMBERS –
NOES; COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney

By _____
Janice D. Magdich
Deputy City Attorney



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt resolution establishing and adjusting rental fees for Parks and Recreation facilities

MEETING DATE: February 1, 2006 (Carried over from meeting of January 18, 2006)

PREPARED BY: Parks and Recreation Director

RECOMMENDED ACTION: That the City Council adopt a resolution establishing and adjusting rental fees for Parks and Recreation facilities.

BACKGROUND INFORMATION: At the September 27, 2005, shirtsleeve session staff presented to Council recommended adjustments to current facility rental fees for picnic areas, beach and pool rentals, baseball fields, and softball fields. Additionally, the establishment of fees for whole park areas, soccer fields, and the All Veterans Plaza were presented as well.

In the case of baseball and softball facilities, rental fees have not been adjusted in over a decade. Fee charges were assessed to new picnic areas (Peterson and Katzakian Parks) and adjustments made to Enze Pool and Lodi Lake Beach/Wading facilities in June of 2002. Council last approved all other picnic areas and building rental rates in August 2002. Historically, in updating and preparing proposed fee adjustments, staff has considered the following factors: (1) a mandated cost recovery goal of 35% minimum, (2) market demand and acceptance and (3) actual costs of provision and maintenance of the facilities, just as we are today.

In a separate and unrelated action on November 16, 2004, the Parks and Recreation Commission approved a 3-Tier Registration System fee proposal. The new system became effective January 1, 2005. This action was taken in an effort to more effectively meet recently mandated cost recovery goals of 100% in all fee-based programs.

Staff presented the fee proposal that is in front of you this evening to the Parks and Recreation Commission at their October 4, 2005, meeting. The Commission subsequently took action on the proposal at their December 6th 2005, meeting with the attached recommendation on picnic areas, pools/beach areas, softball fields, baseball fields, soccer fields, and whole park areas. The Commission unanimously approved the fee proposal as presented except for the establishment of fees for the All Veterans Plaza. The Parks and Recreation Commission respectfully recommend that events held at the All Veterans Plaza be limited to those which publicly honor veterans and/or military personnel and are in keeping with the memorial and patriotic theme of the plaza. As such, no rental fees shall be assessed for the use of this area/facility. The fee proposal was presented for informational purposes to the Lodi Budget/Finance Committee on January 9, 2006.

To further ensure that Parks and Recreation fees keep pace with budgetary goals and requirements, the Parks and Recreation Commission recommended the formation of a "Budget Review Task Force". This Task Force is to consist of Parks and Recreation staff and 2 Commission representatives, and will function as follows:

1. Formulate budget recommendations to Commission and Council on Parks and Recreation budgetary goals and cost recovery requirements.
2. Develop a strategic plan to meet these goals.
3. Review fee schedules on an annual basis in conjunction with the department's budget submittals and make recommendations on fee adjustments for budgetary goal attainment.
4. Thoroughly review current Parks and Recreation cost-allocation tracking system and modify as needed in order to meet the department's accounting needs.

APPROVED: _____
Blair King, City Manager

Staff has diligently surveyed fee structures of other local agencies and communities and has quantitatively compared market rates. Comparables from local agencies are included in the Council packet. We are confident in the proposal that is before you this evening and fully support the recommendation of the Parks and Recreation Commission for its approval.

FISCAL IMPACT: Increased revenues to the General Fund totaling approximately \$40,000 per fiscal year of which \$30,000 were included in the 2005/06 revenue estimates.

FUNDING AVAILABLE Not applicable

Tony C. Goehring
Parks and Recreation Director

Prepared by Susan Bjork, Management Analyst

TCG/SVB:tl

Attachments

cc: City Attorney

Lodi Parks and Recreation
2005/06 Proposed Fee Adjustments

Description	User Group B		User Group C		User Group D		Other Agency Comparison
	Current	Proposed	Current	Proposed	Current	Proposed	
<u>PICNIC AREAS</u>							
Lodi Lake Hughes Beach Shelter	\$ 50.00	\$ 50.00	\$ 70.00	\$ 75.00	\$ 85.00	\$ 100.00	\$25/hr to \$109/day
Lodi Lake Hughes Beach Whole	\$ 85.00	\$ 100.00	\$ 115.00	\$ 125.00	\$ 140.00	\$ 200.00	\$35/hr to \$215/day
Lodi Lake Kiwanis Area	\$ 65.00	\$ 75.00	\$ 90.00	\$ 100.00	\$ 105.00	\$ 125.00	\$25/hr to \$109/day
Lodi Lake Parson's Point Shelter	\$ 40.00	\$ 50.00	\$ 60.00	\$ 75.00	\$ 75.00	\$ 100.00	\$25/hr to \$109/day
Lodi Lake Parson's Point Whole	\$ 90.00	\$ 100.00	\$ 115.00	\$ 125.00	\$ 170.00	\$ 200.00	\$35/hr to \$215/day
Lodi Lake Rotary Area Shelter	\$ 40.00	\$ 50.00	\$ 65.00	\$ 75.00	\$ 80.00	\$ 100.00	\$25/hr to \$109/day
Lodi Lake Rotary Area Whole	\$ 90.00	\$ 100.00	\$ 115.00	\$ 125.00	\$ 170.00	\$ 200.00	\$35/hr to \$215/day
Lodi Lake Williamson Youth Area Shelter	\$ 65.00	\$ 75.00	\$ 125.00	\$ 125.00	\$ 140.00	\$ 150.00	\$25/hr to \$109/day
Lodi Lake Williamson Youth Area Whole	\$ 165.00	\$ 175.00	\$ 215.00	\$ 225.00	\$ 270.00	\$ 300.00	\$35/hr to \$215/day
Emerson Lions Den Picnic Area	\$ 40.00	\$ 50.00	\$ 55.00	\$ 60.00	\$ 70.00	\$ 80.00	\$25/hr to \$109/day
Katzakian Picnic Area	\$ 20.00	\$ 30.00	\$ 35.00	\$ 45.00	\$ 50.00	\$ 65.00	\$18/hr to \$50/day
Lawrence Picnic Area NO CHANGE	\$ 45.00	\$ 45.00	\$ 55.00	\$ 55.00	\$ 70.00	\$ 70.00	\$25/hr to \$109/day
Legion Loewen's Den Picnic Area	\$ 40.00	\$ 50.00	\$ 55.00	\$ 60.00	\$ 70.00	\$ 80.00	\$25/hr to \$109/day
Peterson Picnic Area	\$ 20.00	\$ 30.00	\$ 35.00	\$ 45.00	\$ 50.00	\$ 65.00	\$18/hr to \$50/day
Salas Picnic Area	\$ 40.00	\$ 50.00	\$ 55.00	\$ 60.00	\$ 70.00	\$ 80.00	\$25/hr to \$109/day
<u>POOLS/BEACH</u>							
Enze/Field Pool	\$ 70.00	\$ 85.00	\$ 80.00	\$ 95.00	\$ 90.00	\$ 110.00	\$35/hr to \$159/event
Lodi Lake Beach	\$ 80.00	\$ 85.00	\$ 90.00	\$ 95.00	\$ 100.00	\$ 110.00	
Lodi Lake Wading Pool	\$ 60.00	\$ 65.00	\$ 70.00	\$ 75.00	\$ 80.00	\$ 90.00	
Each increment of 25 people	\$ 25.00	\$ 35.00	\$ 25.00	\$ 35.00	\$ 25.00	\$ 35.00	
Each additional hour	\$ 25.00	\$ 35.00	\$ 25.00	\$ 35.00	\$ 25.00	\$ 35.00	
<u>SOFTBALL FIELDS - Armory, Softball Complex, Salas</u>							
Practice	\$ 25.00	\$ 65.00	\$ 25.00	\$ 70.00	\$ 50.00	\$ 80.00	\$3.50/hr - \$35/practice
Game	\$ 25.00	\$ 90.00	\$ 25.00	\$ 95.00	\$ 50.00	\$ 105.00	\$7.50 - \$35
Doubleheader NEW	\$ -	\$ 110.00	\$ -	\$ 115.00	\$ -	\$ 125.00	\$10.50/hr - \$85
Tournament - per team (dble elim)	\$ 40.00	\$ 50.00	\$ 40.00	\$ 50.00	\$ 40.00	\$ 50.00	\$10.50/hr - \$130 day
Lights NEW	\$ -	\$ 10.00		\$ 10.00		\$ 10.00	

Lodi Parks and Recreation
2005/06 Proposed Fee Adjustments

Description	User Group B		User Group C		User Group D		Other Agency Comparison
	Current	Proposed	Current	Proposed	Current	Proposed	
BASEBALL FIELDS - New User Class Structure							
Blakely - Practice	\$21/41	\$ 50.00	\$21/41	\$ 60.00	\$62/82	\$ 75.00	\$3.50/hr - 1 agency response
Blakely - Game	\$35/\$68	\$ 70.00	\$35/\$68	\$ 80.00	\$103/137	\$ 100.00	\$3.50/hr - \$350/game
Blakely - Doubleheader NEW		\$ 100.00		\$ 110.00		\$ 140.00	\$3.50/hr - \$144/game
Yamashita Field (Kofu) - Practice	\$21/41	\$ 65.00	\$21/41	\$ 75.00	\$62/82	\$ 100.00	\$3.50/hr - 1 agency response
Yamashita Field (Kofu) - Game	\$35/\$68	\$ 85.00	\$35/\$68	\$ 95.00	\$103/137	\$ 125.00	\$3.50/hr - \$350/game
Yamashita Field (Kofu) - Doubleheader	\$37/\$73	\$ 115.00	\$37/\$73	\$ 125.00	\$110/147	\$ 155.00	\$3.50/hr - \$144/game
Yamashita Field (Kofu) - Tourney NEW		\$ 130.00		\$ 130.00		\$ 130.00	\$10.50/hr
Yamashita Field (Kofu) - Lights NEW		\$ 10.00		\$ 10.00		\$ 10.00	
Zupo Field - Practice	\$21/41	\$ 80.00	\$21/41	\$ 90.00	\$62/82	\$ 120.00	\$3.50/hr - 1 agency response
Zupo Field - Game	\$35/\$68	\$ 100.00	\$35/\$68	\$ 110.00	\$103/137	\$ 150.00	\$3.50/hr - \$350/game
Zupo Field - Doubleheader	\$37/\$73	\$ 130.00	\$37/\$73	\$ 140.00	\$110/147	\$ 180.00	\$3.50/hr - \$144/game
Zupo Field - Tourney NEW		\$ 130.00		\$ 130.00		\$ 130.00	\$10.50/hr
Zupo Field Lights - New		\$ 20.00		\$ 20.00		\$ 20.00	
<u>SOCCER FIELD</u>							
Kofu Park Soccer Field NEW		\$ 70.00		\$ 75.00		\$ 90.00	\$3.30/hr - \$3100/day
Kofu Park Soccer Field Lights NEW		\$ 10.00		\$ 10.00		\$ 10.00	
<u>WHOLE PARK AREAS - NEW</u>							
Lodi Lake Park (whole, excluding nature area)		\$ 2,500.00		\$ 3,500.00		\$ 5,000.00	
Lodi Lake Park (north side)		\$ 700.00		\$ 1,000.00		\$ 1,500.00	
Lodi Lake Extra Day (cleanup/setup)		\$ 300.00		\$ 300.00		\$ 300.00	
Beckman Park (basin area)		\$ 500.00		\$ 700.00		\$ 1,000.00	
Hale Park (grandstand/parking areas)		\$ 300.00		\$ 500.00		\$ 800.00	
Henry Graves (basin area)		\$ 500.00		\$ 700.00		\$ 1,000.00	
Grape Bowl (cleanup/setup)	\$ 250.00	\$ 300.00	\$ 250.00	\$ 300.00	\$ 500.00	\$ 300.00	
Lawrence Park		\$ 300.00		\$ 500.00		\$ 800.00	
Peterson Park (basin area)		\$ 500.00		\$ 700.00		\$ 1,000.00	
Vinewood Park (basin area)		\$ 500.00		\$ 700.00		\$ 1,000.00	
Zupo Field (non-athletic events)		\$ 500.00		\$ 700.00		\$ 1,000.00	
Kofu Skate Park - 4 hr min.		\$ 100.00/hr		\$ 100.00/hr		\$ 125.00/hr	
All whole park areas:							
Plus cost of city services							
10% of proceeds for Groups C and D <i>for profit</i> events							

Lodi Parks and Recreation
2005/06 Proposed Fee Adjustments

Description	User Group B		User Group C		User Group D		Other Agency Comparison
	Current	Proposed	Current	Proposed	Current	Proposed	
MISCELLANEOUS *							
All Veterans Plaza - Community events		\$ -					
All Veterans Plaza - Private events		\$25 p/h		\$25 p/h		\$50 p/h	

* The Parks and Recreation Commission recommends that events held at the All Veterans Plaza be limited to those that publicly honor veterans and/or military personnel and are in keeping with the memorial and patriotic theme of the plaza and as such, no rental fees should be assessed for use of the facility.

Definitions:

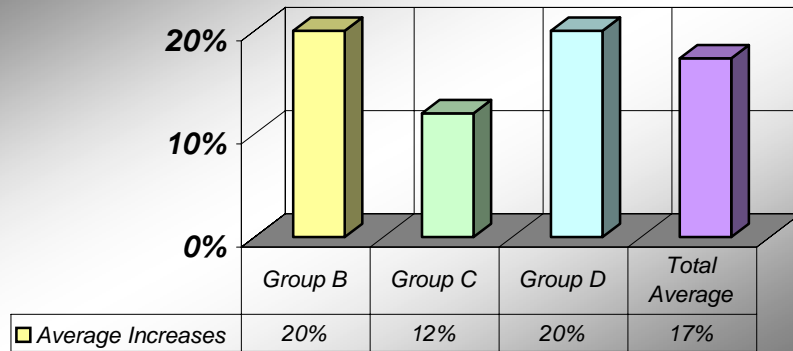
Group B: Local non-profits with a 501(c)(3) designation

Group C: Individuals, agencies, organizations and businesses within the incorporated Lodi city limits

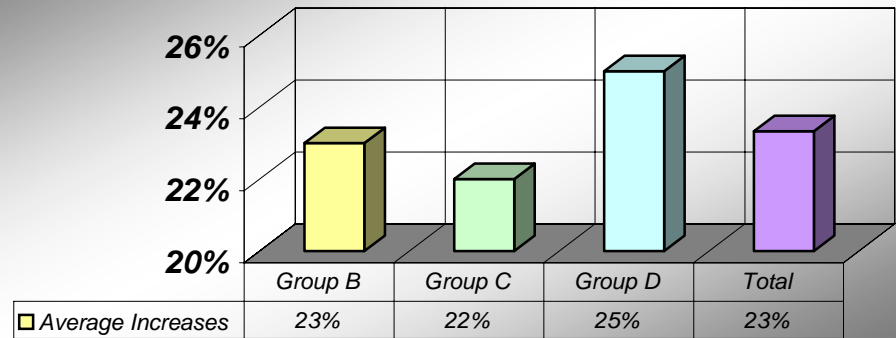
Group D: All individuals, agencies, organizations, and businesses **outside** the incorporated Lodi city limits

Lodi Parks and Recreation
2005/06 Proposed Fee Adjustments

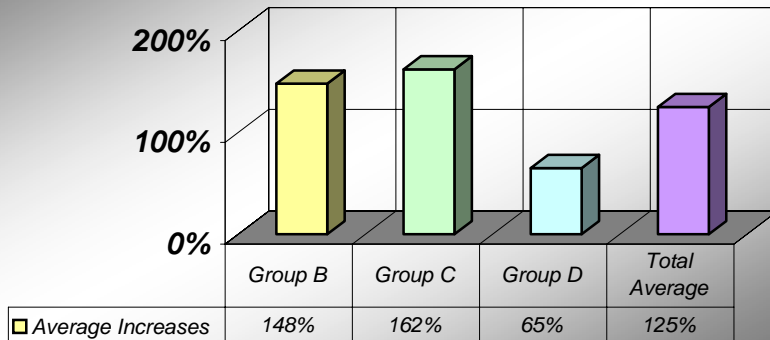
Picnic Area Increases



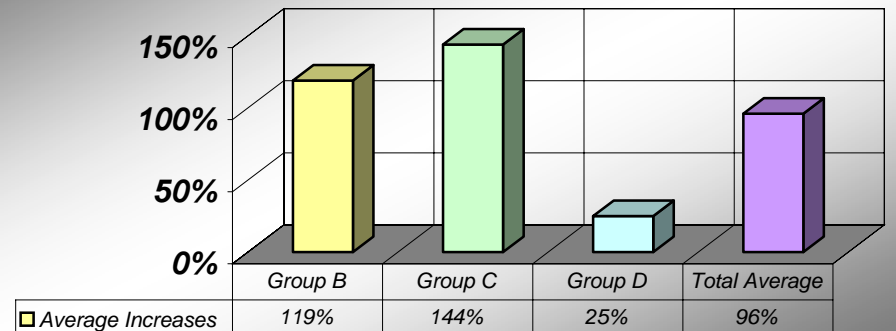
Pool/Beach Rentals



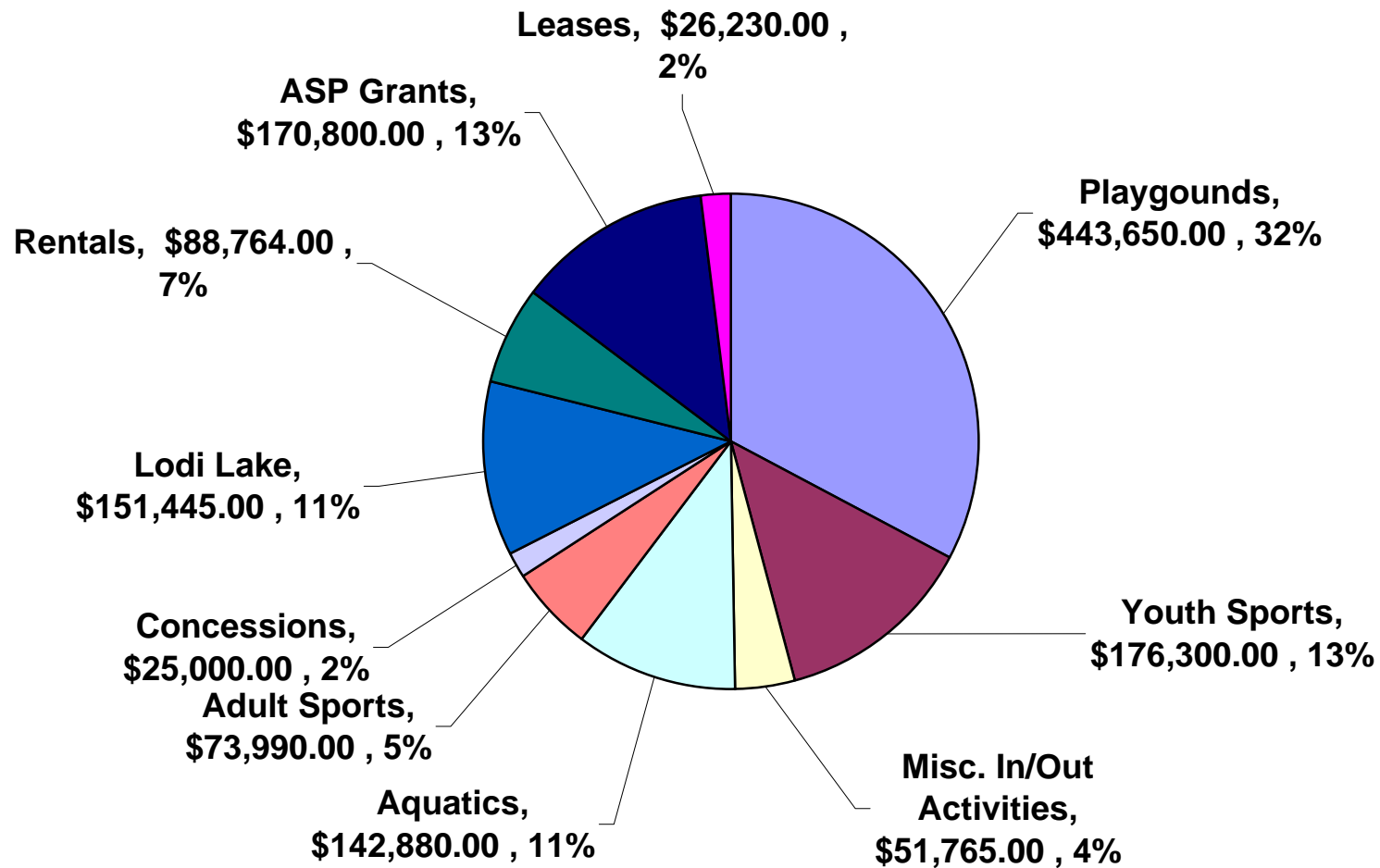
Softball Field Increases



Baseball Field Increases

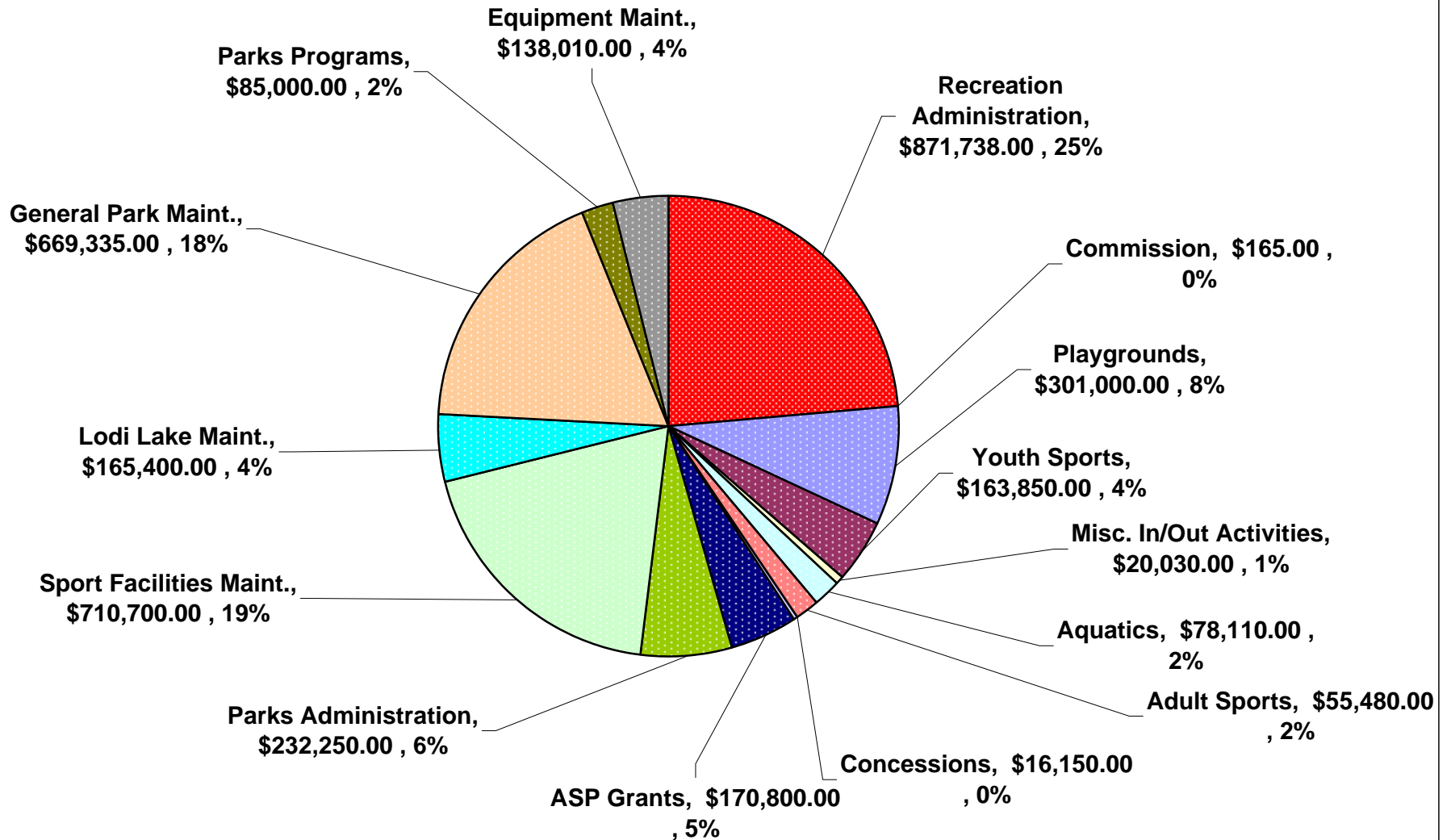


2005/06 Revenue Goals: \$1,350,824



Lodi Parks and Recreation
2005/06 Proposed Fee Adjustments

2005/06 Operating Budget: \$3,678,018



A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING THE ESTABLISHMENT AND
ADJUSTMENT OF CERTAIN PARKS AND
RECREATION FEES AND CHARGES

=====

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. WHEREAS, Lodi Municipal Code §12.16.020 requires the City Council, by Resolution, to set fees for various services provided by the City of Lodi to recover those costs associated with providing specific services and programs; and

WHEREAS, staff recommends increasing and establishing fees for the Parks and Recreation Department as shown on the attached schedule, marked Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby implement the fee schedule as attached hereto marked Exhibit A and made a part of this Resolution.

SECTION 2. All resolutions or parts of resolutions in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This resolution shall be in force and take effect February 1, 2006.

Dated: February 1, 2006

=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 1, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

EXHIBIT A

Lodi Parks and Recreation 2005/06 Proposed Fee Adjustments

Description	User Group B		User Group C		User Group D		Other Agency Comparison
	Current	Proposed	Current	Proposed	Current	Proposed	
<u>PICNIC AREAS</u>							
Lodi Lake Hughes Beach Shelter	\$ 50.00	\$ 50.00	\$ 70.00	\$ 75.00	\$ 85.00	\$ 100.00	\$25/hr to \$109/day
Lodi Lake Hughes Beach Whole	\$ 85.00	\$ 100.00	\$ 115.00	\$ 125.00	\$ 140.00	\$ 200.00	\$35/hr to \$215/day
Lodi Lake Kiwanis Area	\$ 65.00	\$ 75.00	\$ 90.00	\$ 100.00	\$ 105.00	\$ 125.00	\$25/hr to \$109/day
Lodi Lake Parson's Point Shelter	\$ 40.00	\$ 50.00	\$ 60.00	\$ 75.00	\$ 75.00	\$ 100.00	\$25/hr to \$109/day
Lodi Lake Parson's Point Whole	\$ 90.00	\$ 100.00	\$ 115.00	\$ 125.00	\$ 170.00	\$ 200.00	\$35/hr to \$215/day
Lodi Lake Rotary Area Shelter	\$ 40.00	\$ 50.00	\$ 65.00	\$ 75.00	\$ 80.00	\$ 100.00	\$25/hr to \$109/day
Lodi Lake Rotary Area Whole	\$ 90.00	\$ 100.00	\$ 115.00	\$ 125.00	\$ 170.00	\$ 200.00	\$35/hr to \$215/day
Lodi Lake Williamson Youth Area Shelter	\$ 65.00	\$ 75.00	\$ 125.00	\$ 125.00	\$ 140.00	\$ 150.00	\$25/hr to \$109/day
Lodi Lake Williamson Youth Area Whole	\$ 165.00	\$ 175.00	\$ 215.00	\$ 225.00	\$ 270.00	\$ 300.00	\$35/hr to \$215/day
Emerson Lions Den Picnic Area	\$ 40.00	\$ 50.00	\$ 55.00	\$ 60.00	\$ 70.00	\$ 80.00	\$25/hr to \$109/day
Katzakian Picnic Area	\$ 20.00	\$ 30.00	\$ 35.00	\$ 45.00	\$ 50.00	\$ 65.00	\$18/hr to \$50/day
Lawrence Picnic Area NO CHANGE	\$ 45.00	\$ 45.00	\$ 55.00	\$ 55.00	\$ 70.00	\$ 70.00	\$25/hr to \$109/day
Legion Loewen's Den Picnic Area	\$ 40.00	\$ 50.00	\$ 55.00	\$ 60.00	\$ 70.00	\$ 80.00	\$25/hr to \$109/day
Peterson Picnic Area	\$ 20.00	\$ 30.00	\$ 35.00	\$ 45.00	\$ 50.00	\$ 65.00	\$18/hr to \$50/day
Salas Picnic Area	\$ 40.00	\$ 50.00	\$ 55.00	\$ 60.00	\$ 70.00	\$ 80.00	\$25/hr to \$109/day
<u>POOLS/BEACH</u>							
Enze/Field Pool	\$ 70.00	\$ 85.00	\$ 80.00	\$ 95.00	\$ 90.00	\$ 110.00	\$35/hr to \$159/event
Lodi Lake Beach	\$ 80.00	\$ 85.00	\$ 90.00	\$ 95.00	\$ 100.00	\$ 110.00	
Lodi Lake Wading Pool	\$ 60.00	\$ 65.00	\$ 70.00	\$ 75.00	\$ 80.00	\$ 90.00	
Each increment of 25 people	\$ 25.00	\$ 35.00	\$ 25.00	\$ 35.00	\$ 25.00	\$ 35.00	
Each additional hour	\$ 25.00	\$ 35.00	\$ 25.00	\$ 35.00	\$ 25.00	\$ 35.00	
<u>SOFTBALL FIELDS - Armory, Softball Complex, Salas</u>							
Practice	\$ 25.00	\$ 65.00	\$ 25.00	\$ 70.00	\$ 50.00	\$ 80.00	\$3.50/hr - \$35/practice
Game	\$ 25.00	\$ 90.00	\$ 25.00	\$ 95.00	\$ 50.00	\$ 105.00	\$7.50 - \$35
Doubleheader NEW	\$ -	\$ 110.00	\$ -	\$ 115.00	\$ -	\$ 125.00	\$10.50/hr - \$85
Tournament - per team (dble elim)	\$ 40.00	\$ 50.00	\$ 40.00	\$ 50.00	\$ 40.00	\$ 50.00	\$10.50/hr - \$130 day
Lights NEW	\$ -	\$ 10.00		\$ 10.00		\$ 10.00	

Lodi Parks and Recreation
2005/06 Proposed Fee Adjustments

Description	User Group B		User Group C		User Group D		Other Agency Comparison
	Current	Proposed	Current	Proposed	Current	Proposed	
BASEBALL FIELDS - New User Class Structure							
Blakely - Practice	\$21/41	\$ 50.00	\$21/41	\$ 60.00	\$62/82	\$ 75.00	\$3.50/hr - 1 agency response
Blakely - Game	\$35/\$68	\$ 70.00	\$35/\$68	\$ 80.00	\$103/137	\$ 100.00	\$3.50/hr - \$350/game
Blakely - Doubleheader NEW		\$ 100.00		\$ 110.00		\$ 140.00	\$3.50/hr - \$144/game
Yamashita Field (Kofu) - Practice	\$21/41	\$ 65.00	\$21/41	\$ 75.00	\$62/82	\$ 100.00	\$3.50/hr - 1 agency response
Yamashita Field (Kofu) - Game	\$35/\$68	\$ 85.00	\$35/\$68	\$ 95.00	\$103/137	\$ 125.00	\$3.50/hr - \$350/game
Yamashita Field (Kofu) - Doubleheader	\$37/\$73	\$ 115.00	\$37/\$73	\$ 125.00	\$110/147	\$ 155.00	\$3.50/hr - \$144/game
Yamashita Field (Kofu) - Tourney NEW		\$ 130.00		\$ 130.00		\$ 130.00	\$10.50/hr
Yamashita Field (Kofu) - Lights NEW		\$ 10.00		\$ 10.00		\$ 10.00	
Zupo Field - Practice	\$21/41	\$ 80.00	\$21/41	\$ 90.00	\$62/82	\$ 120.00	\$3.50/hr - 1 agency response
Zupo Field - Game	\$35/\$68	\$ 100.00	\$35/\$68	\$ 110.00	\$103/137	\$ 150.00	\$3.50/hr - \$350/game
Zupo Field - Doubleheader	\$37/\$73	\$ 130.00	\$37/\$73	\$ 140.00	\$110/147	\$ 180.00	\$3.50/hr - \$144/game
Zupo Field - Tourney NEW		\$ 130.00		\$ 130.00		\$ 130.00	\$10.50/hr
Zupo Field Lights - New		\$ 20.00		\$ 20.00		\$ 20.00	
<u>SOCCER FIELD</u>							
Kofu Park Soccer Field NEW		\$ 70.00		\$ 75.00		\$ 90.00	\$3.30/hr - \$3100/day
Kofu Park Soccer Field Lights NEW		\$ 10.00		\$ 10.00		\$ 10.00	
<u>WHOLE PARK AREAS - NEW</u>							
Lodi Lake Park (whole, excluding nature area)		\$ 2,500.00		\$ 3,500.00		\$ 5,000.00	
Lodi Lake Park (north side)		\$ 700.00		\$ 1,000.00		\$ 1,500.00	
Lodi Lake Extra Day (cleanup/setup)		\$ 300.00		\$ 300.00		\$ 300.00	
Beckman Park (basin area)		\$ 500.00		\$ 700.00		\$ 1,000.00	
Hale Park (grandstand/parking areas)		\$ 300.00		\$ 500.00		\$ 800.00	
Henry Graves (basin area)		\$ 500.00		\$ 700.00		\$ 1,000.00	
Grape Bowl (cleanup/setup)	\$ 250.00	\$ 300.00	\$ 250.00	\$ 300.00	\$ 500.00	\$ 300.00	
Lawrence Park		\$ 300.00		\$ 500.00		\$ 800.00	
Peterson Park (basin area)		\$ 500.00		\$ 700.00		\$ 1,000.00	
Vinewood Park (basin area)		\$ 500.00		\$ 700.00		\$ 1,000.00	
Zupo Field (non-athletic events)		\$ 500.00		\$ 700.00		\$ 1,000.00	
Kofu Skate Park - 4 hr min.		\$ 100.00/hr		\$ 100.00/hr		\$ 125.00/hr	
All whole park areas:							
Plus cost of city services							
10% of proceeds for Groups C and D <i>for profit</i> events							

Lodi Parks and Recreation
2005/06 Proposed Fee Adjustments

Description	User Group B		User Group C		User Group D		Other Agency Comparison
	Current	Proposed	Current	Proposed	Current	Proposed	
MISCELLANEOUS *							
All Veterans Plaza - Community events		\$ -					
All Veterans Plaza - Private events		\$25 p/h		\$25 p/h		\$50 p/h	

* The Parks and Recreation Commission recommends that events held at the All Veterans Plaza be limited to those that publicly honor veterans and/or military personnel and are in keeping with the memorial and patriotic theme of the plaza and as such, no rental fees should be assessed for use of the facility.

Definitions:

Group B: Local non-profits with a 501(c)(3) designation

Group C: Individuals, agencies, organizations and businesses within the incorporated Lodi city limits

Group D: All individuals, agencies, organizations, and businesses **outside** the incorporated Lodi city limits



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Approving Amendment to San Joaquin Council of Governments Joint Powers Agreement to Add Two Additional Voting Members to the Board, One Each from the San Joaquin County Board of Supervisors and the City of Stockton

MEETING DATE: February 1, 2006 (Carried over from January 18, 2006 meeting)

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution approving an amendment to the San Joaquin Council of Governments Joint Powers Agreement to add two additional voting members to the Board, one each from the San Joaquin County Board of Supervisors and the City of Stockton.

BACKGROUND INFORMATION: The City has received the attached letter from the San Joaquin Council of Governments (SJCOG) requesting that the City ratify a proposed amendment to the Joint Powers Agreement. The amendment primarily adds two voting members to the Board – one from the San Joaquin County Board of Supervisors and one from the City of Stockton. The amendment also raises the quorum level from six to seven. In addition, the amendment makes minor editorial changes, as shown on the attachments.

The change is being recommended in response to a request from the City of Stockton for increased representation given the under representation compared to Stockton's population. This disparity is summarized in the following table:

Agency	Population % of SJ County	Current # of Board Seats, %	Proposed # of Board Seats/%
Escalon	1.1 %	1, 10 %	1, 8.33 %
Lathrop	1.9 %	1, 10 %	1, 8.33 %
Lodi	9.6 %	1, 10 %	1, 8.33 %
Manteca	9.5 %	1, 10 %	1, 8.33 %
Ripon	2.0 %	1, 10 %	1, 8.33 %
Stockton	42.8 %	2, 20%	3, 25.0 %
Tracy	12.0 %	1, 10 %	1, 8.33 %
Unincorporated Area/ Board of Supervisors*	21.2 %	2, 20%	3, 25.0 %
Total:		10 / 100%	12 / 100%

* Note, the Board of Supervisors also represents constituents within the incorporated areas.

APPROVED: _____
Blair King, City Manager

Clearly on a population/representation basis, the request should be considered. However, SJCOG is much more than simply a population-based organization. SJCOG is collaborative decision-making organization tasked with managing a variety of regional issues, programs and funding.

The second and third pages of the Joint Powers Agreement describe the regional nature of SJCOG and page four lists the specific programs for which SJCOG acts as the managing agency. In addition, the voter-approved ordinance that established the ½ cent transportation sales tax in San Joaquin County – Measure K – names the SJCOG as the Local Transportation Authority to manage the program as described in State law.

The continued success of SJCOG and the way it operates is vital to Lodi, the other cities and San Joaquin County as a whole. The proposed amendment provides a stronger voice for the largest city – albeit only by a small amount – and is balanced by a stronger voice from the Board of Supervisors, who represents the entire County, including city residents. The change is minimal for the remaining cities and is tempered by requirements that:

- a) A seven-member quorum is required to conduct business (increased from six).
- b) A majority of the members and those representing at least 55% of the population are needed to amend the JPA and to adopt the annual budget.
- c) A two-thirds majority is required (in the Measure K ordinance) for amendments to the Expenditure Plan and Ordinance.

In the end analysis, the proposed amendment is relatively minor; however, the important point is that the members continue to work together for the betterment of the region. The amendment addresses the concerns of the elected officials representing the majority of the population, and staff fully supports the request.

FISCAL IMPACT: No funding is required for this action. Any future impacts to City transportation funding will depend on SJCOG Board actions.

FUNDING AVAILABLE: Not applicable.

Richard C. Prima, Jr.
Public Works Director

RCP/pmf

Attachments

cc: Andrew Chesley, SJCOG Executive Director



SAN JOAQUIN COUNCIL OF GOVERNMENTS

555 E. Weber Avenue • Stockton, California 95202

209.468.3913 • 209.468.1084 (fax)

www.sjcog.org

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2005 DEC 19 PM 12:40

CITY CLERK
CITY OF LODI

December 15, 2005

<input type="checkbox"/> CC	<input type="checkbox"/> HR
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<input checked="" type="checkbox"/> CLK	

Gary L. Haskin
CHAIR

John Harris
VICE CHAIR

Andrew Chesley
INTERIM EXECUTIVE
DIRECTOR

Member Agencies

CITIES OF
ESCALON,
LATHROP,
LODI,
MANTECA,
RIPON,
STOCKTON,
TRACY,
AND
THE COUNTY OF
SAN JOAQUIN

Susan Hitchcock, Mayor
City of Lodi
P.O. Box 3006
Lodi, CA 95241

Dear Mayor Hitchcock,

On December 8, 2005, the San Joaquin Council of Governments (SJCOG) Board of Directors took a giant step on the road to having the renewal of Measure K on the November 2006 ballot. The Board unanimously (7-0) adopted an amended Joint Powers Agreement (JPA) creating two additional voting members on the Board, one each from the San Joaquin County Board of Supervisors and the City of Stockton. In so doing, the Board accepted the October 28th recommendation of the Governance Working Group (voting 6-0 with representatives from Lodi and Ripon absent) following months of discussion, deliberation, negotiation and in the end, significant compromise.

The Management & Finance Committee reviewed the amendment language on November 16th unanimously recommending adoption (7-0, Ripon absent). The Executive Committee unanimously voted (3-0) on November 18 to recommend adoption of the amendment.

The next step to finalizing the JPA amendment process is for the SJCOG member agencies to approve the Board's action. The JPA will be considered amended after a majority of the member agencies representing at least 55% of the population of San Joaquin County, based upon the latest population estimates of the California Department of Finance, approves the amendment. In other words, at least five of the eight member agencies representing at least 55% of the county population must approve the amendment for it to become effective.

Attached is the adopted draft of the JPA prepared by SJCOG counsel blacklined to show the proposed changes. (A clean version is also attached.) While there appears to be many changes, most are formatting and editorial changes. The one substantive change amends Section 4 of the JPA adding an additional representative each from the

Susan Hitchcock, Mayor
December 15, 2005
Page 2

Stockton City Council and the County Board of Supervisors. Further, Section 4 changes the number of members present to establish a quorum as seven (7).

Other changes include:

- Standardizing the acronym for the Council of Governments as SJCOG
- Standardizing the capitalization of "City", "Cities" and "County"
- Removing the term "member" in reference to the cities so that member solely means a member of the Board of Directors. "Party" now refers to the member agencies or the cities and the county
- Updating statute citations
- Numbering sections, providing titles and updating some language

Once the threshold is achieved, the JPA is considered ratified, therefore, I am requesting this matter be placed on your agenda as soon as possible. SJCOG staff is prepared to attend the meeting at which you take action to answer any questions your policy makers might have. Please contact Steve Dial, SJCOG Director of Administration/CFO with any questions you might have and with the date and time of your meeting.

Thank you for assisting in reaching settlement of this very important issue for the region.

Sincerely,



GARY L. HASKIN
Chair, San Joaquin Council of Governments

Cc: SJCOG Board of Directors
County Administrator and City Managers

**AMENDED AND RESTATED
JOINT POWERS AGREEMENT
ESTABLISHING THE SAN JOAQUIN COUNCIL
OF GOVERNMENTS**

THIS AGREEMENT is entered into as of _____, 2006, by and between the incorporated cities of Escalon, Manteca, Lathrop, Lodi, Ripon, Stockton, and Tracy, all municipal corporations and the County of San Joaquin, a political subdivision of the State of California. The municipal corporations are sometimes referred to individually as "City" and collectively as "Cities." The County of San Joaquin is sometimes referred to as "County." The Cities and County are sometimes referred to individually as a "Party" and collectively as "Parties."

WITNESSETH:

1. RECITALS.

1.1. Common Power. Chapter 5 of Division 7 of Title 1 (commencing with Section 6500) of the California Government Code authorizes two (2) or more public agencies to jointly exercise any power common to them.

1.2. Common Authority. The City of Stockton, by virtue of its charter and the Cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Tracy, and the County of San Joaquin, by virtue of California Government Code Section 65600 through 65604, inclusive, possess in common the authority:

1.2.1. To study, discuss, and develop solutions to area-wide problems of direct concern to the performance of their constitutional and statutory functions and to establish an area planning organization and expend public funds for these purposes.

1.2.2. To do all acts necessary to participate in federal programs and receive federal funds for health, education, welfare, public works, and community improvement activities, including contracting and cooperating with other agencies.

1.3. Orderly Development. The people residing within the incorporated and unincorporated areas of San Joaquin County have an interest in the orderly development of their communities.

1.4. Independent Agency. The continued growth and extensive development within the incorporated and unincorporated areas of San Joaquin County

evidenced a need to create a wholly independent regional agency capable of dealing with area-wide issues and problems.

1.5. Predecessor. The foregoing need led to the creation and establishment of the SAN JOAQUIN COUNCIL OF GOVERNMENTS on July 1, 1970.

1.6. Effects. The establishment of SAN JOAQUIN COUNCIL OF GOVERNMENTS (hereinafter referred to as "SJCOG") has:

1.6.1. Provided a forum to study and develop solutions to area-wide problems of mutual concern to the various governmental entities in San Joaquin County.

1.6.2. Provided efficiency and economy in governmental operations through the cooperation of member governments and the pooling of common resources.

1.6.3. Provided for the establishment of an agency responsible for identifying, planning, and developing solutions to regional problems requiring multijurisdictional cooperation.

1.6.4. Provided for the establishment of an agency capable of developing regional plans and policies and performing area-wide planning duties.

1.6.5. Facilitated cooperation among and agreement between local governmental bodies for specific purposes, interrelated developmental actions, and for the adoption of common policies with respect to issues and problems which are common to its members.

1.7. Amendment. The Cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy and the County of San Joaquin, at this time, desire to amend that certain joint powers agreement of March 1, 1991, as subsequently amended on December 7, 2000, and enter into this Amended and Restated Agreement in order to establish the duties and powers of the SAN JOAQUIN COUNCIL OF GOVERNMENTS.

1.8. Transportation Authority. The County designated the SAN JOAQUIN COUNCIL OF GOVERNMENTS as the San Joaquin County Transportation Authority.

NOW, THEREFORE, it is mutually agreed as follows:

2. STATEMENT OF PURPOSE

The member Cities and the County have joined together to establish SJCOG for the following reasons:

2.1. Area-Wide Opportunities. A number of opportunities and issues within the area are either area-wide in nature or have area-wide aspects or implications, including, but not limited to transportation, air quality, land use, economic development, job creation, and the reduction of unemployment, the protection of agricultural productivity, and multi-species habitat management issues.

2.2. Need. There is a demonstrated need for the establishment of an organization of the Cities and the County within the area to provide a forum for study and development of recommendations to area-wide problems of mutual interest and concern to the Cities and the County and to facilitate the development of policies and action recommendations for the solution of problems.

2.3. Independent Review. The Cities and the County wish to create an area-wide organization which will independently review and make comments to the member Cities and the County regarding projects which receive federal or state funding.

2.4. Elected Officials. The Cities and the County believe that an area-wide planning organization, governed solely by elected officials from the Cities and the County, with a staff independent of any City or the County, is best suited for area-wide planning and review.

2.5. Area-Wide Problems. The Cities and the County, working together through this organization, can exercise initiative, leadership, and responsibility for solving area-wide problems.

2.6. Allocation of Resources. The Cities and the County share common area-wide problems and issues, and at the same time, have different needs and priorities and are affected in different ways by these common area-wide problems and issues. The resources of SJCOG should be allocated in a manner so that the needs of any portion of the area are not ignored, recognizing, however, that resources are limited and that not all needs can be met, nor all portions of the area assisted equally at any one time.

3. ESTABLISHMENT OF SJCOG

3.1. Continued Public Entity. Upon the effective date of this Agreement, the Parties hereto hereby continue the SAN JOAQUIN COUNCIL OF

GOVERNMENTS, as a public entity separate and distinct from the Parties, as the agent to exercise the common powers provided for in this Agreement and to administer or otherwise execute this Agreement.

3.2. Functions. SJCOG is the successor entity to the Council Of Governments established in 1970, insofar as its predecessor entity has been designated, and insofar as legally authorized, it shall continue to function as:

3.2.1. The Area-wide Planning Organization (APO) as designated by the U.S. Department of Housing and Urban Development (HUD).

3.2.2. The Metropolitan Planning Organization (MPO) as designated by the U.S. Department of Transportation; pursuant to Title 23 of United States Code, Section 134 (23 USC 134) and Title 49 of the United States Code, Section 5303(b)(2).

3.2.3. The Regional Transportation Planning Agency (RTPA) as designated by the Secretary of Business and Transportation Agency of the State of California; pursuant to California Government Code Sections 65080, et seq.

3.2.4. The Airport Land Use Commission (ALUC) as designated by the Board of Supervisors of the County of San Joaquin and recognized by the State of California; pursuant to California Public Utilities Code, Section 21670(b).

3.2.5. The regional planning representative, as designated by the Parties hereto, for the purpose of acting upon any appropriate proposals which may be presented to the SJCOG Board of Directors for consideration, or which the SJCOG Board of Directors may elect to take up, and for transmission of proposed recommendations to Federal, State, and local agencies, including, but not limited to the member entities of SJCOG.

3.2.6. The San Joaquin County Transportation Authority as designated by the Board of Supervisors of San Joaquin County pursuant to Section 180000 of the California Public Utilities Code.

3.2.7. The Census Data Center as designated by the Bureau of the Census.

3.2.8. The Congestion Management Agency for San Joaquin County pursuant to California Government Code Sections 65088 and 65089 and Title 23 of the United States Code Section 134.

3.2.9. The Federal Clearinghouse to review federal grant applications under Section 6506 of Title 23 of the United States Code Annotated.

4. COOPERATION

The Parties to this Agreement pledge full cooperation and agree to assign representatives to serve as official members of the SJCOG Board or any committee or subcommittee thereof, which members shall act for and on behalf of their Cities or the County in any and all matters which shall come before SJCOG, subject to any necessary and legal approvals of their acts by the legislative bodies of the Cities and the County.

5. MEMBERSHIP

5.1. Board. SJCOG shall be governed by a Board of Directors, herein referred to as the SJCOG Board, which shall be comprised of:

5.1.1. One (1) member from each of the City Councils of Escalon, Lathrop, Lodi, Manteca, Ripon, and Tracy (with the Mayor an eligible member).

5.1.2. Three (3) members from the Stockton City Council (with the Mayor an eligible member).

5.1.3. Three (3) members of the Board of Supervisors of the County of San Joaquin.

5.1.4. Ex-officio non-voting members acting in an advisory capacity shall be:

5.1.4.1. The District Director from the State Department of Transportation, District X.

5.1.4.2. A member of the San Joaquin Regional Transit District Board of Directors.

5.1.4.3. A member of the Stockton Port District Board of Commissioners.

5.2. Appointment. Members shall be appointed by the governing body of each Party and shall serve at the pleasure of their appointing body or until their respective successors are appointed. Termination of a Party's mayor, councilperson, or supervisor status shall constitute automatic termination of that person's membership on the SJCOG Board. The appointing body of a Party may appoint a new member or alternate immediately upon any vacancy in the Party's representation.

5.3. Alternates. The governing body of each Party shall appoint alternate members to the SJCOG Board. During the absence of a regular member from any meeting of the SJCOG Board, the alternate shall be entitled to participate in all respects as a regular member of the SJCOG Board. All members and alternates shall be duly elected representatives of their respective City Councils or Board of Supervisors.

5.4. Quorum. A quorum for conducting all matters of business shall be seven (7) members. The affirmative vote of a least a majority of the quorum present shall be required for the approval of any matter.

5.5. Rules. The SJCOG Board shall adopt rules of procedure and shall establish a time and place for regular SJCOG meetings. At any meeting the SJCOG Board may consider matters it deems proper for carrying out the purposes of this Agreement, subject to the provisions of California Government Code Section 54950 et seq.

5.6. Executive Committee. An Executive Committee shall be constituted from among the representatives of the Parties. The Executive Committee shall consist of five (5) members of the SJCOG Board elected by the SJCOG Board. One (1) member of the SJCOG Board shall be elected by the SJCOG Board to serve as the alternate member of the Executive Committee. During the absence of a regular member from any meeting of the Executive Committee, the alternate shall be entitled to participate in all respects as a regular member of the Executive Committee. The Chairperson of SJCOG shall be the Chairperson of the Executive Committee and shall serve on it as the representative of his/her jurisdiction. The Executive Committee shall have powers as are not inconsistent with this Agreement and as delegated to it by the SJCOG By-laws or the SJCOG Board.

5.7. Bylaws. The Bylaws of the SJCOG shall be those adopted following the adoption of this Amended and Restated Agreement by the SJCOG Board, and may thereafter be amended from time to time by the SJCOG Board.

6. POWERS AND FUNCTIONS

6.1. Specific Functions. SJCOG shall have the common power of the Parties hereto to establish, administer and operate area-wide programs, and in the exercise of that power, SJCOG is authorized in its own name to:

6.1.1. Employ an executive director as the chief administrative officer of the agency.

6.1.2. Employ agencies and employees and contract for professional services.

6.1.3. Make and enter into contracts.

- 6.1.4. Operate transportation and other services and facilities.
- 6.1.5. Undertake the planning, design and environmental clearance of transportation and other projects.
- 6.1.6. Cooperate with other agencies, counties and other local public agencies and participate in joint projects as necessary.
- 6.1.7. Acquire, hold, and convey real and personal property.
- 6.1.8. Incur debts, obligations, and liabilities.
- 6.1.9. Accept contributions, grants, or loans from any public or private agency or individual, or the United States or any department, instrumentality, or agency thereof, for the purpose of financing its activities.
- 6.1.10. Invest money that is not needed for immediate necessities, as the Board determines advisable, in the same manner and upon the same conditions as other local entities in accordance with Section 53601 of the California Government Code.
- 6.1.11. Have appointed board members and ex-officio board members serve with or without compensation from the SJCOG.
- 6.1.12. Sue and be sued, in its own name only, but not in the name or stead of any member entity.
- 6.1.13. Make loans to Parties for projects approved by the SJCOG Board on terms, and interest rates, and with security, as may be established by the SJCOG Board.
- 6.1.14. To operate, either directly by SJCOG employees, or by independent contractors, programs approved by the SJCOG Board, such as, but not limited to, ridesharing programs, freeway service patrol programs, and habitat conservation programs, including the maintenance and operation of habitat conservation lands.
- 6.1.15. To provide services, including operational services, outside San Joaquin County, if fully compensated for the services, or in cooperative projects involving other public agencies.
- 6.1.16. To do all other acts reasonable and necessary to carry out the purpose of this Agreement.

6.2. Limitation. The powers to be exercised by SJCOG are subject to the restrictions upon the manner of exercising the powers as are imposed upon the County of San Joaquin in the exercise of similar powers.

6.3. Funds. SJCOG shall be held strictly accountable for all funds received, held and disbursed by it.

7. EXECUTIVE DIRECTOR

7.1. Powers and Duties. The executive director shall be selected by, and shall serve at the pleasure of and upon the terms prescribed by the SJCOG Board. The powers and duties of the executive director are:

7.1.1. To serve as the chief administrative officer of SJCOG and to be responsible to the SJCOG Board for the proper administration of all SJCOG affairs.

7.1.2. To appoint, supervise, suspend, discipline or remove SJCOG employees subject to those policies and procedures, from time to time, adopted by the SJCOG Board.

7.1.3. To supervise and direct the preparation of annual budget for the SJCOG and be responsible for its administration after adoption by the SJCOG Board.

7.1.4. To formulate and present to the SJCOG Board plans for SJCOG's activities and the means to finance them.

7.1.5. To supervise the planning and implementation of all SJCOG's activities.

7.1.6. To attend all meetings of the SJCOG Board and act as the secretary to the SJCOG Board.

7.1.7. To prepare and submit to the SJCOG Board periodic financial reports and, as soon as practicable after the end of each fiscal year, an annual report of the activities of SJCOG for the preceding year.

7.1.8. To have custody and charge of all SJCOG property other than money and securities.

7.1.9. To perform other duties as the SJCOG Board may require in carrying out the policies and directives of the SJCOG Board.

8. FINANCING

8.1. Fiscal Year. The SJCOG fiscal year shall be July 1 through June 30.

8.2. Annual Budget. On or before April 1st, the SJCOG shall adopt a budget for the ensuing fiscal year to commence on July 1, and shall submit the same for ratification to the governing body of each Party. Upon ratification of the proposed budget of the legislative bodies of the Parties, and representing at least 55% of the population within the County, the budget shall serve as the approved budget for the fiscal year in carrying out the tasks within the approved work program for the year. Any amendments to the budget shall be approved by the SJCOG Board.

8.3. Support by Parties. Any Party to this Agreement, in the exercise of the reasonable discretion of its governing body, may, upon mutual consent of the Parties, provide support for the SJCOG, its staff, and its professional consultants, including providing the quarters, janitorial services and maintenance, supplies, printing and duplication, postage, telephone services, transportation services, and professional and technical assistance as may be necessary to enable SJCOG to perform its responsibilities. All assistance shall be provided on an at-cost basis.

8.4. Eminent Domain and Taxes. Under no circumstances shall the SJCOG be empowered to exercise the right of eminent domain nor to levy taxes except as provided in Section 8.5 below. SJCOG shall apply for available State or Federal support funds, and shall make new and additional applications from time to time as appropriate. If deemed necessary, the SJCOG Board may also establish and collect filing and processing fees in connection with matters to be considered by it.

8.5. Measure K. In its role as the San Joaquin County Transportation Authority, SJCOG shall be empowered to levy and expend tax revenues authorized in San Joaquin County Transportation Authority Ordinance #91-01 and approved as Measure K on November 6, 1990 by the voters of San Joaquin County. This empowerment shall exist so long as San Joaquin County Transportation Authority Ordinance #91-01 is in effect and shall terminate when all San Joaquin County Transportation Authority Ordinance #91-01 taxes have been levied and expended.

9. TREASURER

9.1. Treasurer of County. The Treasurer of the County of San Joaquin shall be the Treasurer of SJCOG.

9.2. Duties. The Treasurer shall:

9.2.1. Receive and receipt all money of SJCOG and place it in the treasury of San Joaquin County to the credit of SJCOG.

9.2.2. Be responsible upon his official bond for the safekeeping and disbursement of all SJCOG money held by the Treasurer.

9.2.3. Pay any sums due from SJCOG, from SJCOG's funds held by the Treasurer or any portion thereof, upon warrants of the SJCOG controller designated herein.

9.2.4. Verify and report in writing as soon as possible after the first day of July, October, January, and April of each year to SJCOG the amounts of monies the Treasurer holds for SJCOG, the amount of receipts since the Treasurer's last report, and any interest accrued to those funds.

9.3. Reimbursement. SJCOG shall reimburse the County of San Joaquin for the cost of services provided by the County Treasurer to SJCOG upon an at-cost basis.

10. CONTROLLER

10.1. Auditor of County. The Auditor-Controller of the County of San Joaquin shall be the controller for the SJCOG.

10.2. Warrants. The Controller shall draw warrants to pay demands against SJCOG when the demands have been approved by the SJCOG Board and/or the SJCOG Executive Director. The Controller shall be responsible on the Controller's official bond for the Controller's approval of disbursement of SJCOG money.

10.3. Records. The Controller shall keep and maintain records and books of account on the basis of generally accepted accounting practices. The books of account shall include records of assets, liabilities, and contributions made by each Party to this Agreement.

10.4. Audit. The Controller shall make available all financial records of SJCOG to a certified public accountant or public accountant contracted by SJCOG to make an annual audit of the accounts and records of SJCOG. The minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code and shall conform to generally accepted auditing standards.

10.5. Reimbursement. SJCOG shall reimburse the County for the cost of services provided by the County Auditor-Controller to SJCOG upon an at-cost basis.

11. BOND REQUIREMENTS

The executive director and other employees of SJCOG as may be designated by the SJCOG Board, shall file with SJCOG an official fidelity bond in a penal sum determined by the Board as security for the safekeeping of SJCOG property entrusted to the employee. Premiums for the bonds shall be paid by SJCOG.

12. PARTIES' LIABILITY

The debts, liabilities, and obligations of SJCOG shall not be debts, liabilities or obligations of the Parties to this Agreement either singly or collectively.

13. ASSIGNABILITY

With the approval of, and upon the terms agreed upon by, the governing body of each Party to this Agreement, all or any of the rights and property subject to this Agreement may be assigned to further the purpose of this Agreement. Provided, however, no right or property of SJCOG shall be assigned without compliance with all conditions imposed by any state or federal entity from which SJCOG has received financial assistance.

14. WITHDRAWAL OF A PARTY

14.1. Withdrawal Procedure. A Party to this Agreement may, at any time, withdraw from SJCOG, following 90 days notice to SJCOG and all other Parties of SJCOG, by resolution of intent to withdraw adopted by the governing board of the withdrawing Party.

14.2. Obligations. Upon the effective date of the withdrawal the Party shall cease to be bound by this Agreement, but shall continue to provide financial support through the approved percentage of planning funds provided COG, as Transportation Planning Agency under the provisions of Section 99233.2 of the Transportation Development Act. SJCOG assets representing any accumulated capital contribution of the withdrawing Party shall remain subject to SJCOG control, depreciation and use without compensation to the withdrawing Party until termination of this Agreement and distribution of SJCOG assets.

15. TERMINATION AND DISSOLUTION

15.1. No Specific Term. This Agreement shall continue in force without specific term.

15.2. Disestablishment. If, at any time, those Cities and County which are members of SJCOG contain less than 55% of the population residing within the area of San Joaquin County, based upon the latest available population estimates by the California Department of Finance, and there are less than a majority of local governments remaining as Parties of SJCOG, SJCOG shall be deemed disestablished and this Agreement shall cease to be operative except for the purpose of payment of any existing obligations.

15.3. Distribution. If this Agreement is terminated, all real and personal property owned by SJCOG shall be distributed to the Federal, State, or local funding agency or Party to this Agreement that supplied the property or whose funding provided for the acquisition of the property unless other distribution is provided by law. Should the origin of any real or personal property be undeterminable, that property shall be disbursed to the Parties to this Agreement in proportion to the size of the jurisdiction as delineated in the latest California Department of Finance estimate of population. This Agreement shall not terminate until all property has been distributed in accordance with this provision.

16. RETURN OF SURPLUS FUNDS

Upon termination of this Agreement, any surplus money on hand shall be returned to the Federal, State, or local agency or the Party to this Agreement that provided the funds.

17. ADDITIONAL MEMBERS

In addition to the Cities identified in this Agreement, any city within San Joaquin County which may hereafter be incorporated and which desires to participate in the activities of SJCOG may do so by executing this Agreement without the prior approval or ratification of the named Parties to this Agreement and shall thereafter be a Party to this Agreement and be bound by all terms and conditions of this Agreement as of the date it executes this Agreement.

18. SUCCESSORS

This Agreement shall be binding upon and shall inure to the benefit of any successors to or assigns of the Parties.

19. SEVERABILITY

Should any part, term, portion, or provision of this Agreement be finally decided to be in conflict with any law of the United States or the State of California, or otherwise be unenforceable or ineffectual, the validity of the remaining parts, terms, portions, or provisions shall be deemed severable and shall not be affected thereby, provided the

remaining portions or provisions can be construed in substance to constitute the Agreement which the Parties intended to enter into in the first instance.

20. AMENDMENTS

This Agreement may be amended only after Parties who represent both a majority of the Parties and at least 55% of the population of San Joaquin County, based upon the latest population estimates of the California Department of Finance, approve the amendments.

21. COUNTERPARTS

This Agreement may be executed in any number of counterparts, each of which when executed will be deemed to be an original and all of which, taken together, will be deemed to be one and the same instrument.

22. TITLES AND HEADING.

The Section titles and the heading of this Agreement are for convenience only and shall not be used in interpreting this Agreement.

23. EFFECTIVE DATE OF AGREEMENT

This Amended and Restated Agreement shall become effective when the majority of the Cities and County representing more than 55% of the population of the County based upon the latest population estimates of the California Department of Finance, sign this Agreement. The population of the County for this purpose is the population of the unincorporated area.

///

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IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their respective offices as of:

APPROVED AS TO FORM

By: _____

Title: _____

ATTEST: _____

City Clerk

MAYOR

CITY OF ESCALON

APPROVED AS TO FORM:

By: _____

Title: _____

ATTEST: _____
City Clerk

MAYOR

CITY OF LATHROP

APPROVED AS TO FORM:

By: _____

Title: _____

ATTEST: _____
City Clerk

MAYOR

CITY OF LODI

*** Signatures Continued on Next Page ***

APPROVED AS TO FORM:

By: _____

Title: _____

ATTEST: _____
City Clerk

MAYOR

CITY OF MANTECA

APPROVED AS TO FORM:

By: _____

Title: _____

ATTEST: _____
City Clerk

MAYOR

CITY OF RIPON

APPROVED AS TO FORM:

By: _____

Title: _____

ATTEST: _____
City Clerk

MAYOR

CITY OF STOCKTON

APPROVED AS TO FORM:

By: _____

Title: _____

ATTEST: _____
City Clerk

MAYOR

CITY OF TRACY

APPROVED AS TO FORM:

By: _____

Title: _____

ATTEST: _____
City Clerk

CHAIRMAN

SAN JOAQUIN COUNTY

Amended March 1, 1991
Amended December 7, 2000
Amended _____, 2006

AMENDED AND RESTATED
JOINT POWERS AGREEMENT
ESTABLISHING THE SAN JOAQUIN COUNCIL
OF GOVERNMENTS

THIS AGREEMENT is entered into as of the 7th of December, 2000, of
2006, by and ~~among~~ between the incorporated cities of Escalon,
Manteca, Lathrop, Lodi, Ripon, Stockton, and Tracy, all municipal corporations and the
County of San Joaquin, a political subdivision of the State of California. The municipal
corporations are sometimes referred to individually as "City" and collectively as
"Cities." The County of San Joaquin is sometimes referred to as "County." The
Cities and County are sometimes referred to individually as a "Party" and
collectively as "Parties."

WITNESSETH:

WHEREAS, Chapter 5 of Division 7 of Title 1 (commencing with Section 6500)
of the California Government Code authorizes two (2) or more public agencies to jointly
exercise any power common to them; and

WHEREAS, the City of Stockton, by virtue of its charter and the cities of
Escalon, Lathrop, Lodi, Manteca, Ripon, Tracy, and the County of San Joaquin, by virtue
of California Government Code Section 65600 through 65604, inclusive, possess in
common the authority:

a) To study, discuss, and develop solutions to area-wide problems of
direct concern to the performance of their constitutional and statutory functions
and to establish an area planning organization and expend public funds for these
purposes;

b) To do all acts necessary to participate in federal programs and
receive federal funds for health, education, welfare, public works, and community
improvement activities, including contracting and cooperating with other
agencies; and

WHEREAS, the people residing within the incorporated and unincorporated areas
of San Joaquin County have an interest in the orderly development of their communities;
and

WHEREAS, the continued growth and extensive development within the
incorporated and unincorporated areas of San Joaquin County evidenced a need to create
a wholly independent regional agency capable of dealing with area-wide issues and
problems; and

WHEREAS, this need led to the creation and establishment of the SAN JOAQUIN COUNCIL OF GOVERNMENTS on July 1, 1970; and

WHEREAS, the establishment of SAN JOAQUIN ~~COG~~ COUNCIL OF GOVERNMENTS (hereinafter referred to as "~~COG~~") "SJCOG") has:

- a) Provided a forum to study and develop solutions to area-wide problems of mutual concern to the various governmental entities in San Joaquin County;
- b) Provided efficiency and economy in governmental operations through the cooperation of member governments and the pooling of common resources;
- c) Provided for the establishment of an agency responsible for identifying, planning, and developing solutions to regional problems requiring multijurisdictional cooperation;
- d) Provided for the establishment of an agency capable of developing regional plans and policies and performing area-wide planning duties;
- e) Facilitated cooperation among and agreement between local governmental bodies for specific purposes, interrelated developmental actions, and for the adoption of common policies with respect to issues and problems which are common to its members; and

WHEREAS, the cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy and the County of San Joaquin, at this time, desire to amend that certain joint powers agreement of March 1, 1991, as subsequently amended on December 7, 2000, and enter into this Amended and Restated Agreement in order to establish the duties and powers of the SAN JOAQUIN COUNCIL OF GOVERNMENTS;

WHEREAS, the County of ~~San Joaquin~~ designated the SAN JOAQUIN ~~COUNTY~~ COUNCIL OF GOVERNMENTS as the San Joaquin County Transportation Authority;

NOW, THEREFORE, it is mutually agreed as follows:

1. STATEMENT OF PURPOSE

The member cities Cities and the County have joined together to establish the Council SJCOG for the following reasons:

- a) A number of opportunities and issues within the area are either area-wide in nature or have area-wide aspects or implications, including, but not limited to transportation, air quality, land use, economic

development, job creation, and the reduction of unemployment, the protection of agricultural productivity, and multi-species habitat management issues.

b) There is a demonstrated need for the establishment of an organization of ~~eties~~ Cities and the County within the area provide a forum for study and development of recommendations to area-wide problems of mutual interest and concern to the ~~eties~~ Cities and the County and to facilitate the development of policies and action recommendations for the solution of such problems.

c) The ~~member cities~~ Cities and the County wish to create an area-wide organization which will independently review and make comments to the member cities and the County regarding projects which receive federal or state funding.

d) The ~~member cities~~ Cities and the County believe that an area-wide planning organization, governed solely by elected officials from the ~~member cities~~ Cities and the County, with a staff independent of any ~~member city~~ City or the County, is best suited for this area-wide planning and review.

e) ~~Member cities~~ The Cities and the County, working together through this organization, can exercise initiative, leadership, and responsibility for solving area-wide problems.

f) ~~Member cities~~ The Cities and the County share common area-wide problems and issues, and at the same time, have different needs and priorities and are affected in different ways by these common area-wide problems and issues. The resources of the ~~Council~~ SJCOG should be allocated in such a manner so that the needs of any portion of the area are not ignored, recognizing, however, that resources are limited and that not all needs can be met, nor all portions of the area assisted equally at any one time.

2. ESTABLISHMENT OF SAN JOAQUIN COG SJCOG

Upon the effective date of this Agreement, the ~~parties~~ Parties hereto hereby ~~establish a newly constituted~~ continue the SAN JOAQUIN COUNCIL OF GOVERNMENTS, as a public entity separate and distinct from its member entities, as the agent to exercise the common powers provided for in this Agreement and to administer or otherwise execute this Agreement.

~~The newly constituted SAN JOAQUIN COG, as~~ SJCOG is the successor entity to the Council Of Governments established in 1970, insofar as its predecessor entity has been designated, and insofar as legally authorized, shall continue to function as:

- a) The Area-wide Planning Organization (APO) as designated by the U.S. Department of Housing and Urban Development (HUD);
- b) The Metropolitan Planning Organization (MPO) as designated by the U.S. Department of Transportation; pursuant to Title 23 of United States Code, Section 134 (23 USC 134) and Title 49 of the United States Code, Section 1607 (49 USC 1607) **5303(b)(2)**;
- c) The Regional Transportation Planning Agency (RTPA) as designated by the Secretary of Business and Transportation Agency of the State of California; pursuant to California Government Code Sections 65080, et seq.;
- d) The Airport Land Use Commission (ALUC) as designated by the Board of Supervisors of the County of San Joaquin and recognized by the State of California; pursuant to ~~Chapter 4, Article 3.5 of the California~~ Public Utilities Code, **Section 21670(b)**;
- e) The regional planning representative, as designated by the parties hereto, for the purpose of acting upon any appropriate proposals which may be presented to the ~~SAN JOAQUIN COG~~ **SJCOG** Board of Directors for consideration, or which the **SJCOG** Board of Directors may elect to take up, and for transmission of proposed recommendations to Federal, State, and local agencies, including, but not limited to the member entities of ~~SAN JOAQUIN COG~~ **SJCOG**.
- f) The San Joaquin County Transportation Authority as designated by the Board of ~~the Board of~~ Supervisors of San Joaquin County ~~under~~ **pursuant to** Section 180000 of the California Public Utilities Code;
- g) The Census Data Center as designated by the Bureau of the Census;
- h) The Congestion Management Agency for San Joaquin County pursuant to California Government Code Sections 65088 and 65089 and Title 23 of the United States Code Section 134;
- i) The Federal Clearinghouse to review federal grant applications ~~pursuant to Presidential Executive Order 12372.~~ **under Section 6506 of Title 23 of the United States Code Annotated.**

3. COOPERATION

The parties to this Agreement pledge full cooperation and agree to assign representatives to serve as official members of ~~SAN JOAQUIN COG~~ **the SJCOG Board**

or any committee or subcommittee thereof, which members shall act for and on behalf of their cities or the County in any and all matters which shall come before ~~the SAN JOAQUIN COG~~ SJCOG, subject to any necessary and legal approvals of their acts by the legislative bodies of the cities and the County.

4. MEMBERSHIP

~~SAN JOAQUIN COG~~ SJCOG shall be governed by a Board of Directors, hereinafter referred to as the ~~COG~~ SJCOG Board, which shall be comprised of:

- a) One (1) member from each of the city councils of Escalon, Lathrop, Lodi, Manteca, Ripon, and Tracy (with the Mayor ~~and~~ an eligible member);
- b) ~~Two (2)~~ Three (3) members from the Stockton City Council (with the Mayor an eligible member);
- c) ~~Two (2)~~ Three (3) members of the Board of Supervisors of the County of San Joaquin; and
- d) Ex-officio non-voting members acting in an advisory capacity shall be:
 - 1) The District Director from the State Department of Transportation, District X;
 - 2) A member of the San Joaquin Regional Transit District Board of Directors; and
 - 3) A member of the Stockton Port District Board of Commissioners; and

Members shall be appointed by the governing body of each ~~party~~ Party and shall serve at the pleasure of their appointing body or until their respective successors are appointed. Termination of a ~~member's~~ Party's mayor, councilperson, or supervisor status shall constitute automatic termination of that person's membership on the ~~COG~~ SJCOG Board. The appointing body of a ~~party~~ Party may appoint a new member or alternate alternate immediately upon the occurring of any vacancy in that ~~party's~~ Party's representation.

The governing body of each ~~party~~ Party shall appoint alternate members to the ~~COG~~ SJCOG Board. During the absence of a regular member from any meeting of the ~~COG~~ SJCOG Board, the alternate shall be entitled to participate in all respects as a regular member of the ~~COG~~ SJCOG Board. All members and alternates shall be duly elected representatives of their respective city councils or Board of Supervisors.

A quorum for conducting all matters of business shall be ~~six (6)~~ **seven (7)** members. The affirmative vote of a least a majority of the quorum present shall be required for the approval of any matter.

The ~~COG~~ **SJCOG** Board shall adopt rules of procedure and shall establish a time and place for regular ~~SAN JOAQUIN COG~~ **SJCOG** meetings. At any meeting the ~~COG~~ **SJCOG** Board may consider such matters as ~~its~~ **it** deems proper for carrying out the purposes of this Agreement, subject to the provisions of California Government Code Section 54950 et seq.

An Executive Committee shall be constituted from among the representatives of the ~~members of the COG~~ **Parties**. The Executive Committee shall consist of five (5) members of the ~~COG~~ **SJCOG** Board elected by the ~~COG~~ **SJCOG** Board. One (1) member of the ~~COG~~ **SJCOG** Board shall be elected by the ~~COG~~ **SJCOG** Board to serve as the alternate member of the Executive Committee. During the absence of a regular member from any meeting of the Executive Committee, the alternate shall be entitled to participate in all respects as a regular member of the Executive Committee. The Chairperson of ~~COG~~ **SJCOG** shall be the Chairperson of the Executive Committee and shall serve on it as the representative of his/her jurisdiction. The Executive Committee shall have such powers as are not inconsistent with this Agreement and as delegated to it by the ~~SAN JOAQUIN COG~~ **SJCOG** By-laws or the ~~COG~~ **SJCOG** Board.

The By-laws of the ~~SAN JOAQUIN COG~~ **SJCOG** shall be those adopted following the adoption of this Amended **and Restated** Agreement by the ~~COG~~ **SJCOG** Board, and may **thereafter** be amended from time to time by the ~~COG~~ **SJCOG** Board.

5. POWERS AND FUNCTIONS

~~SAN JOAQUIN COG~~ **SJCOG** shall have the common power of the parties hereto to establish, administer and operate area-wide programs, and in the exercise of that power, ~~SAN JOAQUIN COG~~ **SJCOG** is authorized in its own name to:

- a) Employ an executive director as the chief administrative officer of the agency;
- b) Employ agencies and employees and contract for professional services;
- c) Make and enter into contracts;
- d) Operate transportation and other services and facilities;
- e) Undertake the planning, design and environmental clearance of transportation and other projects;

- f) Cooperate with other agencies, counties and other local public agencies and participate in joint projects as necessary;
- g) Acquire, hold, and convey real and personal property;
- h) Incur debts, obligations, and liabilities;
- i) Accept contributions, grants, or loans from any public or private agency or individual, or the United States or any department, instrumentality, or agency thereof, for the purpose of financing its activities;
- j) Invest money that is not needed for immediate necessities, as the Council determines advisable, in the same manner and upon the same conditions as other local entities in accordance with Section 53601 of the California Government Code;
- k) Have appointed members and ex-officio members serve with or without compensation from the ~~SAN JOAQUIN COG~~ SJCOG;
- l) Sue and be sued, in its own name only, but not in the name or stead of any member entity;
- m) Make loans to ~~members~~ Parties for projects approved by the ~~COG~~ SJCOG Board on terms, and interest rates, and with such security, as may be established by the ~~COG~~ SJCOG Board;
- n) To operate, either directly by ~~SAN JOAQUIN COG~~ SJCOG employees, or by independent contractors, programs approved by the ~~COG~~ SJCOG Board, such as, but not limited to, ridesharing programs, freeway service patrol programs, and habitat conservation programs, including the maintenance and operation of habitat conservation lands;
- o) To provide services, including operational services, outside San Joaquin County, if fully compensated for such services, or in cooperative projects involving other public agencies; and
- p) To do all other acts reasonable and necessary to carry out the purpose of this Agreement.

The powers to be exercised by the ~~SAN JOAQUIN COG~~ SJCOG are subject to the restrictions upon the manner of exercising such powers as are imposed upon the County of San Joaquin in the exercise of similar powers. ~~SAN JOAQUIN COG~~ SJCOG shall be held strictly accountable for all funds received, held and disbursed by it.

6. EXECUTIVE DIRECTOR

The executive director shall be selected by, and shall serve at the pleasure of and upon the terms prescribed by the ~~COG~~ SJCOG Board. The powers and duties of the executive director are:

- a) To serve as the chief administrative officer of ~~SAN JOAQUIN COG~~ SJCOG and to be responsible to the ~~COG~~ SJCOG Board for the proper administration of all ~~SAN JOAQUIN COG~~ SJCOG affairs.
- b) To appoint, supervise, suspend, discipline or remove ~~SAN JOAQUIN COG~~ SJCOG employees subject to those policies and procedures, from time to time, adopted by the ~~COG~~ SJCOG Board.
- c) To supervise and direct the preparation of the annual budget for the ~~COG~~ SJCOG and be responsible for its administration after adoption by the ~~COG~~ SJCOG Board.
- d) To formulate and present to the ~~COG~~ SJCOG Board plans for ~~SAN JOAQUIN COG's~~ SJCOG's activities and the means to finance them.
- e) To supervise the planning and implementation of all ~~SAN JOAQUIN COG's~~ SJCOG's activities.
- f) To attend all meetings of the ~~COG~~ SJCOG Board and act as the secretary to the ~~COG~~ SJCOG Board.
- g) To prepare and submit to the ~~COG~~ SJCOG Board periodic financial reports and, as soon as practicable after the end of each fiscal year, an annual report of the activities of the ~~SAN JOAQUIN COG~~ SJCOG for the preceding year.
- h) To have custody and charge of all ~~SAN JOAQUIN COG~~ SJCOG property other than money and securities.
- i) To perform such other duties as the ~~COG~~ SJCOG Board may require in carrying out the policies and directives of the ~~COG~~ SJCOG Board.

7. FINANCING

- a) Fiscal Year: The ~~SAN JOAQUIN COG~~ SJCOG fiscal year shall be July 1 through June 30.
- b) Annual Financial Support: On or before April 1st, the ~~SAN JOAQUIN COG~~ SJCOG shall adopt a budget for the ensuing fiscal year

to commence on July 1, and shall submit the same for ratification to the governing body of each ~~member agency~~ Party. Upon ratification of the proposed budget of the legislative bodies of the ~~member governments~~ Parties, and representing at least 55% of the population within the County, ~~such~~ the budget shall serve as the approved budget for the fiscal year in carrying out the tasks within the approved work program for the year. Any amendments to the budget shall be approved by the ~~SAN JOAQUIN COG~~ SJCOG Board.

Any ~~party~~ Party to this Agreement, in the exercise of the reasonable discretion of its governing body, may, upon mutual consent of the ~~parties~~ Parties, provide support for the ~~SAN JOAQUIN COG~~ SJCOG, its staff, and its professional consultants, including providing such quarters, janitorial services and maintenance, supplies, printing and duplication, postage, telephone services, transportation services, and such professional and technical assistance as may be necessary to enable ~~SAN JOAQUIN COG~~ SJCOG to perform its responsibilities. All such assistance shall be provided on an at-cost basis.

Under no circumstances shall the ~~SAN JOAQUIN COG~~ SJCOG be empowered to exercise the right of eminent domain nor to levy taxes except as provided in Section 7. c) below. ~~SAN JOAQUIN COG~~ SJCOG shall apply for available State or Federal support funds, and shall make new and additional applications from time to time as appropriate. If deemed necessary, the ~~COG~~ SJCOG Board may also establish and collect filing and processing fees in connection with matters to be considered by it.

c) In its role as the San Joaquin County Transportation Authority, the ~~SAN JOAQUIN COG~~ SJCOG shall be empowered to levy and expend tax revenues authorized in San Joaquin County Transportation Authority Ordinance #91-01 and approved as Measure K on November 6, 1990 by the voters of San Joaquin County. This empowerment shall exist so long as San Joaquin County Transportation Authority Ordinance #91-01 is in effect and shall terminate when all San Joaquin County Transportation Authority Ordinance #91-01 taxes have been levied and expended.

8. TREASURER

a) The Treasurer of the County of San Joaquin shall be the Treasurer of ~~SAN JOAQUIN COG~~ SJCOG.

b) The Treasurer shall:

1) Receive and receipt all money of ~~SAN JOAQUIN COG~~ SJCOG and place it in the treasury of San Joaquin County to the credit of ~~SAN JOAQUIN COG~~ SJCOG.

- 2) Be responsible upon his official bond for the safekeeping and disbursement of all ~~SAN JOAQUIN COG~~ SJCOG money held by him/her.
- 3) Pay any sums due from ~~SAN JOAQUIN COG, from SAN JOAQUIN COG's~~ SJCOG, from SJCOG's funds held by him/her or any portion thereof, upon warrants of the ~~SAN JOAQUIN COG~~ SJCOG controller designated herein.
- 4) Verify and report in writing as soon as possible after the first day of July, October, January, and April of each year to ~~SAN JOAQUIN COG~~ SJCOG the amounts of monies he/she holds for ~~SAN JOAQUIN COG~~ SJCOG, the amount of receipts since his/her last report, and any interest accrued to those funds.
- 5) ~~SAN JOAQUIN COG~~ SJCOG shall reimburse the County of San Joaquin for the cost of services provided by the County Treasurer to ~~SAN JOAQUIN COG~~ SJCOG upon an at-cost basis.

9. CONTROLLER

- a) The Auditor-Controller of the County of San Joaquin shall be the controller for the ~~SAN JOAQUIN COG~~ SJCOG.
- b) The Controller shall draw warrants to pay demands against ~~SAN JOAQUIN COG~~ SJCOG when the demands have been approved by the ~~COG~~ SJCOG Board and/or the ~~COG~~ SJCOG Executive Director. He/She shall be responsible on his/her official bond for his/her approval of disbursement of ~~SAN JOAQUIN COG~~ SJCOG money.
- c) The Controller shall keep and maintain records and books of account on the basis of generally accepted accounting practices. The books of account shall include records of assets, liabilities, and contributions made by each party to this Agreement.
- d) The Controller shall make available all such financial records of ~~SAN JOAQUIN COG~~ SJCOG to a certified public accountant or public accountant contracted by ~~SAN JOAQUIN COG~~ SJCOG to make an annual audit of the accounts and records of ~~SAN JOAQUIN COG~~ SJCOG. The minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code and shall conform to generally accepted auditing standards.

- e) ~~SAN JOAQUIN COG~~ SJCOG shall reimburse the County for the cost of services provided by the County Auditor-Controller to ~~SAN JOAQUIN COG~~ SJCOG upon an at-cost basis.

10. BOND REQUIREMENTS

The executive director and such other employees of ~~SAN JOAQUIN COG~~ SJCOG as may be designated by the ~~COG~~ SJCOG Board, shall file with ~~SAN JOAQUIN COG~~ SJCOG an official fidelity bond in a penal sum determined by the Council as security for the safekeeping of ~~SAN JOAQUIN COG~~ SJCOG property entrusted to such employee. Premiums for such bonds shall be paid by ~~SAN JOAQUIN COG~~ SJCOG.

11. PARTIES' LIABILITY

The debts, liabilities, and obligations of ~~SAN JOAQUIN COG~~ SJCOG shall not be debts, liabilities or obligations of the parties Parties to this Agreement either singly or collectively.

12. ASSIGNABILITY

With the approval of, and upon the terms agreed upon by, the governing body of each party Party to this Agreement, all or any of the rights and property subject to this Agreement may be assigned to further the purpose of this Agreement. Provided, however, no right or property of ~~SAN JOAQUIN COG~~ SJCOG shall be assigned without compliance with all conditions imposed by any state or federal entity from whom ~~SAN JOAQUIN COG~~ which SJCOG has received financial assistance.

13. WITHDRAWAL OF A PARTY

A party Party to this Agreement may, at any time, withdraw from ~~SAN JOAQUIN COG~~ SJCOG, following 90 days notice to ~~SAN JOAQUIN COG~~ SJCOG and all other members Parties of ~~SAN JOAQUIN COG~~ SJCOG, by resolution of intent to withdraw adopted by the governing board of the withdrawing party Party.

Upon the effective date of such withdrawal such member Party shall cease to be bound by this Agreement, but shall continue to provide financial support through the approved percentage of planning funds provided COG, as Transportation Planning Agency under the provisions of Section 99233.2 of the Transportation Development Act. ~~SAN JOAQUIN COG~~ SJCOG assets representing any accumulated capital contribution of the withdrawing party shall remain subject to ~~SAN JOAQUIN COG~~ SJCOG control, depreciation and use without compensation to the withdrawing party Party until termination of this Agreement and distribution of ~~SAN JOAQUIN COG~~ SJCOG assets.

14. TERMINATION AND DISSOLUTION

- a) This Agreement shall continue in force without specific term.
- b) If, at any time, those cities Cities and County which are members of ~~SAN JOAQUIN COG~~ SJCOG contain less than 55% of the population residing within the area of San Joaquin County, based upon the latest available population estimates by the California Department of Finance, and there are less than a majority of local governments remaining as ~~members of SAN JOAQUIN COG, SAN JOAQUIN COG~~ Parties of SJCOG, SJCOG shall be deemed disestablished and this Agreement shall cease to be operative except for the purpose of payment of any obligations theretofore incurred.
- c) If this Agreement is terminated, all real and personal property owned by ~~SAN JOAQUIN COG~~ SJCOG shall be distributed to the Federal, State, or local funding agency or party Party to this Agreement that supplied the property or whose funding provided for the acquisition of the property unless other distribution is provided by law. Should the origin of any real or personal property be undeterminable, that property shall be disbursed to the parties Parties to this Agreement in proportion to the size of the jurisdiction as delineated in the latest California Department of Finance estimate of population.

This Agreement shall not terminate until all property has been distributed in accordance with this provision.

15. RETURN OF SURPLUS FUNDS

Upon termination of this Agreement, any surplus money on hand shall be returned to the Federal, State, or local agency or the party Party to this Agreement that provided the funds.

16. ADDITIONAL MEMBERS

In addition to the incorporated cities identified in this Agreement, any city within San Joaquin County which may hereafter be incorporated and which desires to participate in the activities of ~~SAN JOAQUIN COG~~ SJCOG may do so by executing this Agreement without the prior approval or ratification of the named parties Parties to this Agreement and shall thereafter be a party Party to this Agreement and be bound by all terms and conditions of this Agreement as of the date it executes this Agreement.

17. SUCCESSORS

This Agreement shall be binding upon and shall inure to the benefit of any successors to or assigns of the parties Parties.

18. SEVERABILITY

Should any part, term, portion, or provision of this Agreement be finally decided to be in conflict with any law of the United States or the State of California, or otherwise be unenforceable or ineffectual, the validity of the remaining parts, terms, portions, or provisions shall be deemed severable and shall not be affected thereby, provided such remaining portions or provisions can be construed in substance to constitute the Agreement which the parties intended to enter into in the first instance.

19. AMENDMENTS

This Agreement may be amended only after ~~members~~ Parties who represent both a majority of the ~~members~~ Parties and at least 55% of the population of San Joaquin County, based upon the latest population estimates of the California Department of Finance, approve the amendments.

20. COUNTERPARTS

This Agreement may be executed in any number of counterparts, each of which when executed will be deemed to be an original and all of which, taken together, will be deemed to be one and the same instrument.

21. EFFECTIVE DATE OF AGREEMENT

This Amended and Restated Agreement shall become effective when the majority of the cities and County representing more than 55% of the population of the County based upon the latest population estimates of the California Department of Finance, sign this Agreement. The population of the County for this purpose is the population of the unincorporated area.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective offices as of:

APPROVED AS TO FORM

By: _____

Title: _____

ATTEST: _____
City Clerk

MAYOR

CITY OF ESCALON

APPROVED AS TO FORM:

By: _____

Title: _____

ATTEST: _____
City Clerk

MAYOR

CITY OF LATHROP

APPROVED AS TO FORM:

By: _____

Title: _____

ATTEST: _____
City Clerk

MAYOR

CITY OF LODI

APPROVED AS TO FORM:

By: _____

Title: _____

ATTEST: _____
City Clerk

MAYOR

CITY OF MANTECA

APPROVED AS TO FORM:

By: _____

Title: _____

MAYOR

ATTEST: _____

CITY OF RIPON

City Clerk

APPROVED AS TO FORM:

By: _____

Title: _____

MAYOR

ATTEST: _____

CITY OF STOCKTON

City Clerk

APPROVED AS TO FORM:

By: _____

Title: _____

MAYOR

ATTEST: _____

CITY OF TRACY

City Clerk

APPROVED AS TO FORM:

By: _____

Title: _____

CHAIRMAN

ATTEST: _____

SAN JOAQUIN COUNTY

City Clerk

Amended March 1, 1991
Amended December 7, 2000
Amended , 2006

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING AMENDMENT TO THE SAN JOAQUIN
COUNCIL OF GOVERNMENTS JOINT POWERS
AGREEMENT, ADDING TWO ADDITIONAL VOTING
MEMBERS TO THE BOARD

=====

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby approve an amendment to the San Joaquin Council of Governments Joint Powers Agreement, adding two additional voting members to the Board, one each from the San Joaquin County Board of Supervisors and the City of Stockton.

Dated: February 1, 2006

=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the Lodi City Council in a regular meeting held February 1, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2006-_____



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Reconsideration of the January 4, 2006, Council Action Taken Regarding the Future Direction of the Community Separator/Greenbelt Task Force

MEETING DATE: February 1, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Council discuss and take action regarding the request to reconsider its January 4 action regarding the future direction of the Community Separator/Greenbelt Task Force.

BACKGROUND INFORMATION: This item appears on the agenda at the request of Mayor Pro Tempore Johnson. At the January 4 City Council meeting, Council took the following action regarding the future direction of the Community Separator/Greenbelt Task Force. At the January 18 City Council meeting, Mr. Johnson requested that the City Council reconsider this action.

Excerpt from 1/4/06 minutes

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, unanimously voted to continue Community Separator/Greenbelt Task Force deliberations, including establishing more detailed requirements for the Greenbelt study area to be included in a Specific Plan for the target area, which could be incorporated into the General Plan update, and further adopted Resolution No. 2006-09 authorizing the City Manager to prepare a Request for Proposal for Council review and report on what additional data would be achieved and how it would benefit the process (*and appropriating up to \$50,000*).

FISCAL IMPACT: N/A

FUNDING AVAILABLE: N/A

Susan J. Blackston
City Clerk

SJB/JMP

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Fee Contract with Angelo, Kilday and Kilduff for Representation of the City of Lodi in Peter Rose et al. v. City of Lodi, et al.; United States District Court, Eastern District of California, Case No. CIV.S-05-02229.

MEETING DATE: February 1, 2006

PREPARED BY: City Attorney

RECOMMENDED ACTION: Approve contract for outside counsel to represent the City of Lodi.

BACKGROUND INFORMATION: Ordinarily, the City Attorney's Office in Lodi defends all actions against the City with in-house staff; however, in this case, outside counsel is advisable because the case involves specialized areas of the law that should be handled by recognized experts in the field. Bruce Kilday is a highly recognized expert in Police Civil Rights cases who has regularly litigated such cases for members of CJPRMA.

As you know, the City is insured through CJPRMA with a \$500,000 Self-Insured Retention (SIR). Since legal expenses are counted toward the SIR, they will not exceed \$500,000 to the City over the life of the action.

FISCAL IMPACT: Unknown at this time, but capped at \$500,000 out of liability reserve account.

FUNDING AVAILABLE: Liability reserve account.

Ruby R. Paiste
Ruby Paiste, Finance Director

D. Stephen Schwabauer
D. Stephen Schwabauer, City Attorney

APPROVED: Blair King
Blair King, City Manager



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Adopt Resolution of the Lodi City Council Establishing Rules for the Conduct of Its Meetings, Proceedings and Business, Thereby Rescinding Resolution 2004-282

MEETING DATE: February 1, 2006 City Council Meeting

PREPARED BY: Steve Schwabauer, City Attorney

RECOMMENDED ACTION: That the City Council adopt Resolution Establishing Rules for the Conduct of City Council Meetings, Proceedings and Business, thereby Rescinding Resolution 2004-282.

BACKGROUND INFORMATION: This action only changes prior Resolution No. 2004-282 relating to Ex Parte Communications by adding proposed Subsection K addressing ex parte contacts in quasi judicial hearings.

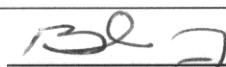
A City Council and its appointed commissions hear items before them in either a legislative or a quasi judicial capacity. As detailed more fully below, Legislative actions implicate matters of broad application and quasi judicial actions, apply existing law to a particular set of facts. When the City Council or Commission acts in an adjudicatory or quasi-judicial capacity, each Commissioner must (1) disclose on the record the nature and substance of any ex parte communications relating to the matter; and (2) provide interested parties full and fair opportunity to rebut or explain the information obtained from those communications.

Courts will invalidate quasi-judicial decisions when due process principles are violated. In one instance, a court determined that a city council failed to conduct a fair hearing on the grounds that the council did not include in the public record information obtained from individual contacts with the hearing petitioners (and their representatives) and from sources other than the public record. (*Candlestick Properties, Inc. v. San Francisco Bay Conservation and Development Commission* (1970) 11 Cal.App.3d 557; *Safeway Stores, Inc. v. City of Burlingame* (1959) 170 Cal.App.2d 637, 645-646; see also, *English v. City of Long Beach* (1950) 35 Cal.2d 155 (finding that no fair hearing occurred when a civil service board made an adjudicatory decision based on information obtained by board members outside of the hearing but not presented to the discharged employee or the employee's attorney).) In addition, courts conclude that a fair hearing does not occur when a quasi-judicial decision is based, in whole or in part, on evidence contained in an attorney's files but not entered into the record. (*La Prade v. Department of Water and Power of City of Los Angeles* (1945) 27 Cal.2d 47, 51-52.)

b. What is a "Quasi-Judicial" decision?

A "quasi-judicial" decision is one that requires a legislative body to apply existing law or policy to a given set of facts. The following are considered quasi-judicial decisions: tentative subdivision maps and parcel maps, variances, conditional use permits, and planned development permits, civil service grievance hearings, and CEQA certifications. Quasi-judicial decisions affect legally protected rights of individuals, which cannot be abridged without providing due process. Therefore, all information relied upon by the Council or Commission to make its decision must be disclosed on the public record, so that the applicant

APPROVED:


Blair King, City Manager

and the public may explain, question, refute or otherwise address the information. In Lodi the Parks and Recreation commission sits in a quasi judicial capacity when it hears appeals on suspensions of athletes, the Planning Commission sits in a quasi judicial capacity when it hears zoning change applications (indeed most planning commission activity is quasi judicial).

c. What is a Legislative Decision?

A "legislative" decision, by comparison, establishes rules, policies, or standards of general applicability and are political in nature. They involve "the exercise of discretion governed by considerations of public welfare." Legislative actions tend to declare a public purpose. The following are legislative actions: adoption or amendment of a general plan or specific plan; zoning or rezoning; incorporation or annexation decisions; and adoption of rules, regulations or ordinances. As stated above, the Council and Commissions are not required to disclose contacts made off the record regarding a legislative decision. Nevertheless, where appropriate it is advisable for all council members to be apprised of the facts upon which an individual council member makes their decision.


A recent case highlights the importance of granting due process rights in quasi judicial matters. The case considered whether a member of a planning commission, who had authored an article opposing a development plan, had exhibited an unacceptable probability of bias warranting reversal of the commission's rejection of the plan. (Nasha L.L.C. v. City of Los Angeles (2004) 125 Cal.App.4th 470). In Nasha, a planning commissioner authored an article for the newsletter of his homeowners association criticizing the development project. At the hearing, he did not divulge his conduct, and he moved to reverse the Planning Director's decision (i.e. deny the project). His motion was carried by a three to one vote.

The court determined that procedural due process principals apply to quasi-judicial decision making. The court distinguished between actions that are legislative in character and actions that are adjudicatory. Quasi-legislative acts involve the adoption of rules of general application on the basis of broad public policy (generally, ordinances, specific plans etc.), while quasi-judicial acts involve the determination and application of facts peculiar to an individual case. (Subdivision maps, conditional use permits etc.) Quasi-judicial acts are subject to procedural due process requirements while those requirements apply to quasi-judicial acts regardless of the guise they may take. In Nasha, the court determined that since the matter involved the determination the application of facts peculiar to an individual case the matter was quasi-judicial. Therefore, procedural due process was applicable and the applicant was entitled to a reasonably impartial, noninvolved decision-maker. The court vacated the Planning Commission's decision and directed the Commission to conduct a new hearing before an impartial panel.

In order to insure the validity of the quasi judicial process and protect the due process rights of citizens, it is therefore recommended that the City Attorney review and identify all quasi judicial actions on the agenda and that when the Council and Commissions act in an adjudicatory or quasi-judicial capacity, each Council Member/Commissioner must (1) disclose on the record the nature and substance of any ex parte communications relating to the matter; and (2) provide interested parties full and fair opportunity to rebut or explain the information obtained from those communications as set forth in the attached revised Resolution.

Proposed new subsection K will read as follows:

K. The City Attorney shall review the City Council Agenda prior to its distribution to Council and note all Quasi Judicial items thereon. When the City Council or commission acts in an adjudicatory or quasi-judicial capacity, each Commissioner must (1) disclose on the record the nature and substance of any ex parte communications relating to the matter; and (2) provide interested parties full and fair opportunity to rebut or explain the information obtained from those communications.


Stephen Schwabauer
City Attorney

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL ADOPTING
AND ESTABLISHING RULES FOR THE CONDUCT OF ITS
MEETINGS, PROCEEDINGS, AND BUSINESS AND
THEREBY RESCINDING RESOLUTION 2004-282

=====

WHEREAS, the Lodi City Council, pursuant to Chapter 2.04 of the Lodi Municipal Code, is empowered and required to adopt by resolution, rules of conduct for City Council meetings; and

WHEREAS, it is desirable to make such procedural rules applicable to all other boards, commissions, and committees of the City.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council as follows :

SECTION 1. RULES OF CONDUCT AND DEBATE FOR THE CITY COUNCIL,
BOARDS, COMMISSIONS, AND COMMITTEES

A. Presiding Officer May Debate.

The Mayor or presiding officer may move, second, and debate from the chair, subject only to such limitations of debate as are by these rules established. The chair shall not be deprived of any of the rights and privileges of a Council or board member by reason of being the presiding officer.

B. Obtaining The Floor.

Any member of the Council or board wishing to speak must first obtain the floor by being recognized by the chair. The chair must recognize any member who seeks the floor when appropriately entitled to do so.

C. Motions.

The chair or any member of the Council or board may bring any matter of business appearing on the agenda before the body by making a motion. The chair shall open the matter for debate, offering the first opportunity to debate to the moving party and, thereafter, to any other member properly recognized by the chair. Once the matter has been fully debated and seconded and the chair calls for a vote, no further debate will be allowed; provided, however, Council or board members may be allowed to explain their vote. The person making the motion shall have the privilege of closing debate.

D. Voting.

All members present at a meeting shall vote when the question is called, subject to the provisions of Lodi Municipal Code Section 2.04.140.

E. Procedural Rules of Order.

Once the main motion is properly placed on the floor, several related motions may be employed in addressing the main motion. These motions take precedence over the main motion and, if properly made and seconded, must be disposed of before the main motion can be acted upon. The following motions are appropriate and may be made by the chair or any Council or board member at any appropriate time during the discussion of the main motion. They are listed in order of precedence. The first three subsidiary motions are non-debatable; the last four are debatable.

SUBSIDIARY MOTIONS:

1. Lay on the Table. Any member may move to lay the matter under discussion on the table. The motion temporarily suspends any further discussion or the pending motion without setting a time certain to resume debate. It must be moved and seconded and passed by a majority vote. To bring the matter back before the body, a member must move that the matter be taken from the table, seconded, and passed by a majority. A motion to take from the table must be made at the same meeting at which it was placed on the table or at the next regular meeting of the body; otherwise, the motion that was tabled dies, although, it can be raised later as a new motion.
2. Move Previous Question. Any member may move to immediately bring the question being debated to a vote, suspending any further debate. The motion must be made and seconded without interrupting one who already has the floor. A two-thirds vote is required for passage.
3. Limit or Extend Limits of Debate. Any member may move to put limits on or extend the length of debate. The motion must be made and seconded and requires a two-thirds vote to pass.
4. Postpone to a Time Certain. Any member may move to postpone the pending motion to a time certain. This motion continues the pending main motion to a future date as determined by the Council or board at the time the motion is passed. The motion must be seconded and requires a majority vote for passage.
5. Commit or Refer. Any member may move that the matter being discussed should be referred to a committee, commission, or staff for further study. The motion must be seconded and requires a majority vote for passage. The motion may contain directions for the committee or commission, as well as a date upon which the matter will be returned to the Council or board's agenda. If no date is set for returning the item to the Council or board's agenda, any member may move, at any time, to require the item be returned to the agenda. The motion must be seconded and a majority vote is required for passage if the item is to come back at a future date certain, or a two-thirds vote if the item is to be immediately discussed by the Council or board at the time the motion to return is made.

6. Amend. Any member may amend the main motion or any amendment made to the main motion. Before the main motion may be acted upon, all amendments and amendments to amendments must first be acted upon. A motion to amend must be seconded and requires a majority vote for passage. An amendment must be related to the main motion or amendment to which it is directed. Any amendment which substitutes a new motion rather than amending the existing motion is out of order and may be so declared by the chair.
7. Postpone Indefinitely. Any member may move to postpone indefinitely the motion on the floor, thus avoiding a direct vote on the pending motion and suspending any further action on the matter. The motion must be seconded and requires a majority vote for passage.

F. Motions of Privilege, Order, and Convenience.

The following actions by the Council or board are to insure orderly conduct of meetings and for the convenience of the members. These motions take precedence over any pending main or subsidiary motion and may or may not be debated as noted.

1. Call for Orders of the Day. Any member may demand that the agenda be followed in the order stated therein. No second is required and the chair must comply unless the Council or board, by majority vote, sets aside the orders of the day.
2. Question of Privilege. Any member, at any time during the meeting, may make a request of the chair to accommodate the needs of the body or his/her personal needs for such things as reducing noise, adjusting air conditioning, ventilation, lighting, etc. Admissibility of question is ruled on by the chair.
3. Recess. Any member may move for a recess. The motion must be seconded and a majority vote is required for passage. The motion is debatable.
4. Adjourn. Any member may move to adjourn at any time, even if there is business pending. The motion must be seconded and a majority vote is required for passage. The motion is not debatable.
5. Point of Order. Any member may require the chair to enforce the rules of the Council or board by raising a point of order. The point of order shall be ruled upon by the chair.
6. Appeal. Should any member be dissatisfied with a ruling from the chair, he/she may move to appeal the ruling to the full Council or board. The motion must be seconded to put it before the Council or board. A majority vote in the negative or a tie vote sustains the ruling of the chair. The motion is debatable and the chair may participate in the debate.

7. Suspend the Rules. Any member may move to suspend the rules if necessary to accomplish a matter that would otherwise violate the rules. The motion requires a second and a two-thirds vote is required for passage.
8. Division of Question. Any member may move to divide the subject matter of a motion which is made up of several parts in order to vote separately on each part. The motion requires a second and a majority vote for passage. This motion may also be applied to complex ordinances or resolutions.
9. Reconsider. Except for votes regarding matters which are quasi-judicial in nature or matters which require a noticed public hearing, the Council or board may reconsider any vote taken at the same session, but no later than the same or next regular meeting, to correct inadvertent or precipitant errors, or consider new information not available at the time of the vote. The motion to reconsider must be made by a member who voted on the prevailing side, must be seconded, and requires a majority vote for passage, regardless of the vote required to adopt the motion being reconsidered. If the motion to reconsider is successful, the matter to be reconsidered takes no special precedence over other pending matters and any special voting requirements related thereto still apply. Except pursuant to a motion to reconsider, once a matter has been determined and voted upon, the same matter cannot be brought up again at the same meeting.
10. Rescind, Repeal, or Annul. The Council or board may rescind, repeal, or annul any prior action taken with reference to any legislative matter so long as the action to rescind, repeal, or annul complies with all the rules applicable to the initial adoption, including any special voting or notice requirements or unless otherwise specified by law.

G. Authority of the Chair.

Subject to appeal, the chair shall be the chief parliamentarian, rule on points of order, and shall have the authority to prevent the misuse of the legitimate form of motions, or the abuse of privilege of renewing certain motions, to obstruct the business of the Council or board by ruling such motions out of order. In so ruling, the chair shall be courteous and fair and should presume that the moving party is making the motion in good faith.

H. Public Hearings.

Matters which are required to be heard at a noticed public hearing shall be conducted in the following manner.

1. Time for Consideration. Matters noticed to be heard by the Council or board shall commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

2. Continuance of Hearings. Any hearing being held or noticed or ordered to be held by the Council or board at any meeting may, by order or notice of continuance, be continued or re-continued to any subsequent meeting in the manner provided herein for adjourned meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or notice of continuance was adopted or made.
3. Public Discussion at Hearings. When a matter for public hearing comes before the body, the chair shall open the public hearing. Upon opening the public hearing and before any motion is adopted related to the merits of the issue to be heard, the chair shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter. Any person desiring to speak or present evidence shall make his/her presence known to the chair and upon being recognized by the chair, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the chair. Members who wish to ask questions of the speakers or each other during the public hearing portion, may do so but only after first being recognized by the chair. The chair shall conduct the meeting in such a manner as to afford due process. Time limits may be established by the chair, limiting the duration of presentations as set forth in these rules.

All persons interested in the matter being heard shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the City Clerk or secretary of the board as part of the record. No person shall be permitted during the hearing to speak about matters or present evidence which are not germane to the matter being considered. A determination of relevance shall be made by the chair, but may be appealed as set forth in these rules.

4. Consideration of Question by Council or Board. After all members of the public desiring to speak upon the subject of the hearing have been given an opportunity to do so, the public hearing shall be closed by the chair, and the body may consider what disposition they wish to make of the question or questions presented at the hearing. No member of the public shall be allowed, without consent of the chair, to speak further on the question during this period of deliberation; although, the members may ask questions of the speakers if so desired. At the conclusion of discussion and appropriate motion having been made and seconded, the body shall vote on the matter.

I. New Business: Introduction.

During Council meetings, no new business on the agenda (except closed sessions) shall be considered after 11:00 p.m. without two-thirds vote of the Council. Any new business remaining on the agenda shall be carried over to the next regular Council meeting.

J. Quorum; Majority; Two-Thirds Vote: Determination.

As used in this resolution or in the application of Lodi Municipal Code Chapter 2.04, the following definitions shall apply:

1. "Quorum" shall mean a simple majority of the total number of all persons on such body.
2. "Majority" shall mean the majority of members actually present at a meeting.
3. "Two-thirds vote" shall mean two-thirds vote of the members actually present, rounded up or to the next number if less than a whole person. Two-thirds of four members shall be three members; two-thirds of five members shall be four members; etc.

- K. The City Attorney shall review the City Council Agenda prior to its distribution to Council and note all Quasi Judicial items thereon. When the City Council or commission acts in an adjudicatory or quasi-judicial capacity, each member must (1) disclose on the record the nature and substance of any ex parte communications relating to the matter; and (2) provide interested parties full and fair opportunity to rebut or explain the information obtained from those communications.

SECTION 2. This Resolution shall become effective immediately.

Dated: February 1, 2006

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I hereby certify that Resolution No. 2006-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 1, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2006-____



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1769 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code, Title 12, Chapter 12.12. – Parks – by Adding Article VI, "Waterfowl and Migratory Birds"

MEETING DATE: February 1, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1769.

BACKGROUND INFORMATION: Ordinance No. 1769 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code, Title 12, Chapter 12.12. – Parks – by Adding Article VI, "Waterfowl and Migratory Birds" was introduced at the regular City Council meeting of January 18, 2006.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Susan J. Blackston
City Clerk

SJB

Attachment

APPROVED: _____
Blair King, City Manager

ORDINANCE NO. 1769

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LODI AMENDING LODI MUNICIPAL CODE, TITLE 12,
CHAPTER 12.12 – PARKS – BY ADDING ARTICLE VI,
“WATERFOWL AND MIGRATORY BIRDS”

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

Section 1. Lodi Municipal Code Title 12, CHAPTER 12.12 – PARKS – is hereby amended by adding Article VI, “WATERFOWL AND MIGRATORY BIRDS,” to read as follows:

ARTICLE VI

WATERFOWL AND MIGRATORY BIRDS

Sections:

- 12.12.510 – Purpose
- 12.12.520 – Definitions
- 12.12.530 – Prohibited Conduct
- 12.12.540 – Violations and Penalties
- 12.12.550 – Enforcement

12.12.510 – Purpose.

- A. The purpose of this Article is to protect the health, safety, and welfare of the City and its wildlife by prohibiting the feeding of waterfowl and migratory birds within City parks and lakes. Feeding waterfowl and migratory birds increases the potential for damage to the flora and fauna of public parks and lakes due to an accumulation of bird droppings, may harm water quality, and increase the potential for the spread of disease to City residents.
- B. It is also the purpose of this Article to protect the welfare of the waterfowl and migratory birds themselves, as wildlife studies have shown that feeding waterfowl and migratory birds can interrupt their normal migration patterns, cause nutritional problems, and promote the spread of bird diseases.
- C. It is also the purpose of this Article to minimize the attraction to waterfowl and migratory birds of residing within City parks and lakes by restricting their feeding and other acts that encourage the birds to halt their natural migration patterns.

12.12.520 – Definitions.

As used in this Article, the terms listed below shall have the meaning assigned them.

“Feed” or “Feeding” means the placing, exposing, depositing, distributing, or scattering, directly or indirectly, of shelled corn, shucked or unshucked, wheat or other grains, breads, popcorn, scraps, salt, or any other feed or nutritive substances likely to be eaten by waterfowl or migratory birds, in any manner or form, so as to lure, attract, or entice waterfowl or migratory birds to, on or over any such areas where such feed items or materials have been placed, exposed, deposited, distributed, or scattered.

“Waterfowl and Migratory Birds” means those species of birds commonly known as “swans,” “geese,” and “ducks” and any other waterfowl or migratory birds under the jurisdiction of the United States Fish and Wildlife Service.

12.12.530 – Prohibited Conduct.

A. It shall be unlawful for any person to feed, in any public park or upon any public lake, or on any other property owned or operated by the City, any waterfowl or migratory birds.

B. It shall be unlawful to create or foster any condition or allow any condition to exist or continue, which results in a congregation or congestion of waterfowl or migratory birds in any public park or upon any public lake.

12.12.540 – Violations and Penalties.

A. Any person violating the provisions of this Article shall be guilty of an infraction, punishable on conviction as set forth in Section 1.08.010(C) of this Code.

B. Any person convicted of three or more violations of this Article within the twelve-month period immediately proceeding the commission of the latest offense shall have the offense charged as a misdemeanor, punishable as specified in Section 1.08.010(B) of this Code.

C. The continuation of any violation of this Article for each successive day shall constitute a separate offense, and the person committing the violation may be punished for each separate offense as provided herein.

D. Notwithstanding any other provision of this Article, the violation of any provision of this Article may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction.

12.12.050 – Enforcement.

This Article may be enforced by a City Police Officer, Animal Control Officer, Code Enforcement Officer, or the Parks and Recreation Director or his/her designee.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. This ordinance shall be published one time in the “Lodi News-Sentinel,” a daily newspaper of general circulation printed and published in the City of Lodi, and shall take effect 30 days from and after its passage and approval.

Approved this 1st day of February, 2006

SUSAN HITCHCOCK
Mayor

Attest:

SUSAN J. BLACKSTON
City Clerk
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State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1769 was introduced at a regular meeting of the City Council of the City of Lodi held January 18, 2006, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held February 1, 2006, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1769 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

Approved as to Form:

SUSAN J. BLACKSTON
City Clerk

D. STEPHEN SCHWABAUER
City Attorney

By _____
Janice D. Magdich
Deputy City Attorney